

**THE UNIVERSITY
OF ILLINOIS
LIBRARY**

**328.7441
M38
1808**

BOOKSTACKS

CENTRAL CIRCULATION BOOKSTACKS

The person charging this material is responsible for its return to the library from which it was borrowed on or before the **Latest Date** stamped below.

Theft, mutilation, and underlining of books are reasons for disciplinary action and may result in dismissal from the University.

TO RENEW CALL TELEPHONE CENTER, 333-8400

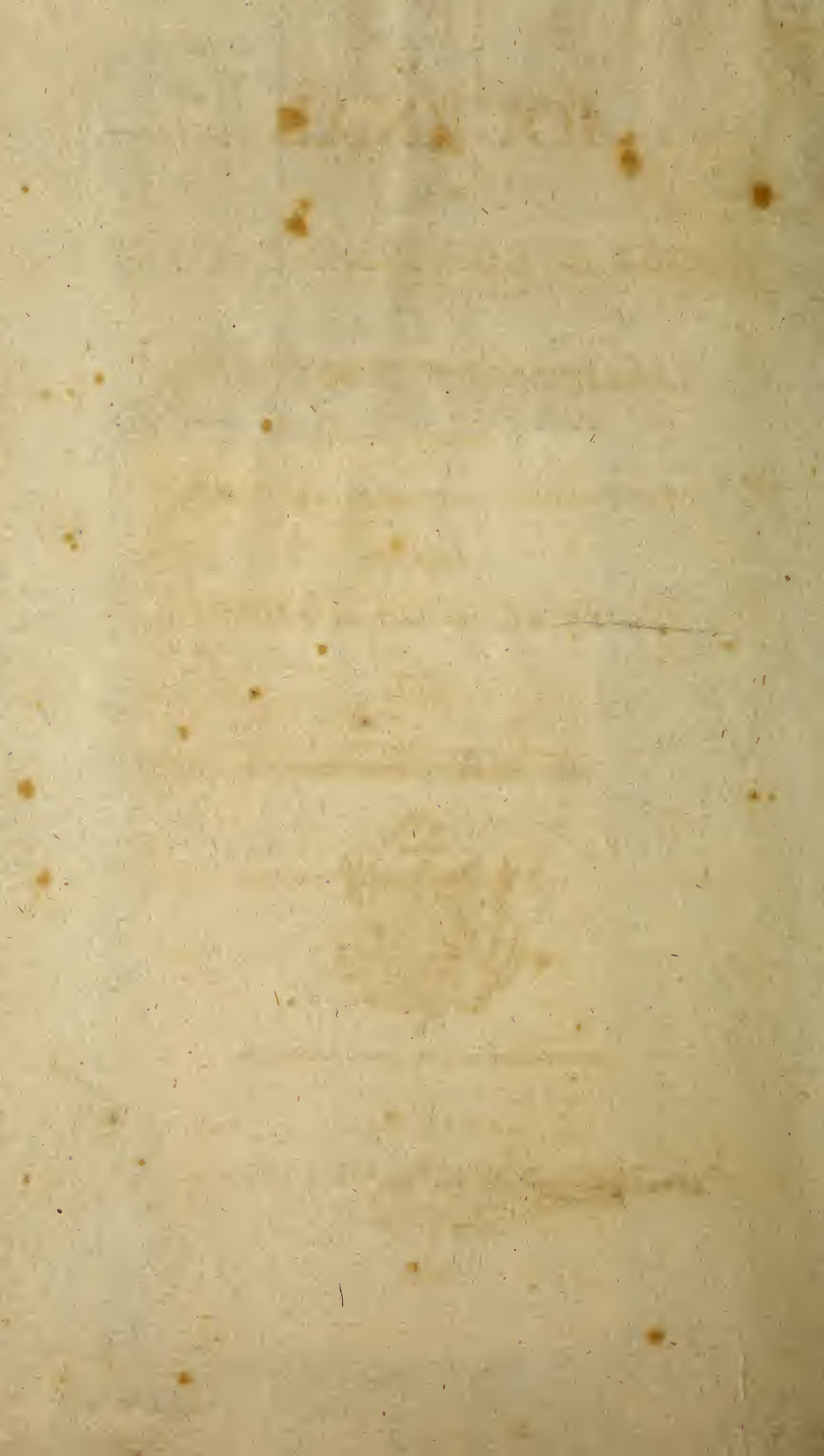
UNIVERSITY OF ILLINOIS LIBRARY AT URBANA-CHAMPAIGN

APR 15 1992

MAR 18 1992

When renewing by phone, write new due date below previous due date.

79521 L162



JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

Commonwealth of Massachusetts,

COMMENCING ON

WEDNESDAY, THE 6TH OF JANUARY,

AND ENDING ON

SATURDAY, THE 12TH OF MARCH,

1808.



BOSTON,

PRINTED BY BENJAMIN PARKS.

1808.

*THE General Court which convened at
BOSTON, on WEDNESDAY, the 27th of MAY,
1807, continued in Session till SATURDAY, the
20th of JUNE ; 25 days. It was then adjourned
to the first WEDNESDAY of JANUARY, 1808,
to meet at the State House, at 10 o'clock, A. M.*

328.7441
M38
1808

JOURNAL.

WEDNESDAY, January 6, 1808.

THE House of Representatives met according to adjournment.

The return of William Eaton, Esq. as a Representative for Brimfield, was read ; and Mr. Coffin, of Nantucket, appointed to introduce him to the Governor and Council, to be qualified.

On motion of Col. Turner, it is

Ordered, That all papers to be communicated to the hon. Senate, shall be sent by a member of this House ; and that all papers received from the hon. Senate, shall, when received by the Speaker, be handed to the Clerk ; who shall minute the same on the journal of the House, and the name of the hon. member of the Senate who brought them down ; and that the hon. Senate be requested to pass a similar order, *mutatis mutandis*, on their part.

Sent up for concurrence.*

* This order of the House was nonconcurrent by the Senate ; and the following note was sent by their President to the Speaker.

Saturday Morning, 9 January, 1808.

DEAR SIR,

I have come to a conclusion that all papers, sent from the House of Representatives, for the concurrence of the Senate, shall, when passed upon by them, be returned again to you, and that a minute be made on the journal, that they are sent back. And when papers which have been sent from the Senate to the House of Representatives for their concurrence, are returned, the same shall be minuted on the journal.

This course will be observed by me, unless I receive some intimation from you that it will not be agreeable.

I am respectfully,

Your obedient Servant,

SAMUEL DANA,

Hon. Speaker MORTON.

1030866

Memorial of Joseph Stone.

Read and committed to Dr. Kittredge, Maj. Jackson, and edacon Goodwin.

Hon. Mr. Thorndike came, with a message from the Senate, informing, that a majority of the Senate had convened, and were proceeding on business.

Hon. Mr. Slocum is charged with a message to the Senate, to inform them, that a quorum of this House have assembled, and are proceeding on business.

Mr. Coffin returned with the member from Brimfield, and reported that he had been duly qualified before the Governor and Council, to take his seat in this House. He was thereupon announced by the Speaker as a duly qualified member of this House.

In SENATE, Jan. 6, 1808.

Ordered, That the hon. Messrs. Freeman and Town, with such as the hon. House may join, be a committee to wait on his Excellency and inform him that a quorum of the two houses are met and proceeding on public business ; and are ready to receive any communications that his Excellency may think proper to make.

Sent down for concurrence.

Read and concurred—and Messrs. Slocum, Welles, and Hawes, are joined.

The above order was brought down by the messenger ; and sent up by a member of the House.

Mr. Slocum, on the part of this House, reported, That the joint committee had attended the service to which they had been appointed, and delivered their message to his Excellency.

A message was received from his Excellency, by the Secretary, that his Excellency would meet the hon. Senate and hon. House of Representatives, in the Representatives' Chamber on Friday next, at 12 o'clock.

Communication from the Secretary respecting 600 copies of the national and state constitutions, printed in obedience to a resolve passed 19th June, 1807. Also respecting certain other books now in his office.

Read and committed to Messrs. Brown, of Boston, Harris, of Charlestown, and Ulmer, with such as the hon. Senate may join.

Sent up for concurrence.

Adjourned till tomorrow, 10 o'clock.

THURSDAY, *January 7*, 1808.

Met according to adjournment.

Messrs. Story, of Salem, and Rogers, of Gloucester, attended ; the certificates of their election were read at the last session, and now Mr. Brewer, of Roxbury, is appointed to introduce those gentlemen to his Excellency, to have the requisite oaths administered to them.

The return of John Jones, Esq. as a Representative for Falmouth, is read, and Mr. Brewer appointed to introduce him to his Excellency to have the requisite oaths administered to him.

Petition of Sarah Oliver, of Salem, widow, as guardian of certain minors, descendants of the late Andrew Oliver.

Read and committed to Messrs. Story, Whitman, and Thomas, of Bangor.

Petition of heirs of Sarah Cooms,

Read and committed to Messrs. Heath, of Roxbury, Wheaton, of Norton, Cleveland, of Salem.

Petition of Elisha Loyns Potter,

Read and committed to Messrs. Flagg, of Worcester, Smith, of Boston, and French.

Col. Turner, of Scituate, offered the following motion, viz.

That in all grants of lands on the Aroostook River, the channel of said river shall be reserved as the property of this state, and that the grantees shall have an allowance of land, enough to compensate for this reservation.

Read and committed to Messrs. Martin, Little, and Vinal, with such as the hon. Senate may join.

The House reconsider their vote on the motion of Col. Turner, respecting the lands on Aroostook River, and commit it before it is sent up for concurrence, to a single committee of this House, viz. Messrs. Martin, Little, and Vinal.

Mr. Smith, of Boston, moved that the House pass the following order, viz.

Ordered, That Mr. Kuhn, the Messenger of this House, remove the stoves in the northern and western corners of the Representatives' chamber, and replace them with two of Pollock's Patent. The motion is laid on the table.

Read and committed to Messrs. Coffin, Hunnewell, and Goodwin, to consider and report thereon.

Petition of the Boston Exchange Coffee House Corporation, by their agent, Andrew Dexter.

Read and committed to Messrs. Whitman, of Boston, Slocum, of Dartmouth, and Coffin, of Nantucket.

Ordered, That Messrs. Bigelow, Tolman, and Whitney, be a committee to inquire into the expediency of making further provision by law for the repair and railing of Bridges so as to render them more safe for travellers, and to report by bill or otherwise.

Ordered, That the committee of finance be instructed to consider the necessity and expediency of raising a tax for the

present year ; and if necessary and expedient in their opinion, that they propose its amount.

Mr. Whitney reported that he had accompanied Messrs. Story, Rogers, and Jones, to his Excellency; and seen them qualified ; they were thereupon duly announced by the Speaker.

Ordered, That Col. Turner, Gen. Elliot, and Mr. Slocum, be a committee to consider what shall be allowed the members of the hon. Council, Senate, and House of Representatives, as pay for their travel and attendance the present session of the General Court.

Adjourned till Friday, 10 o'clock.

FRIDAY, *January* 8, 1808.

Met according to adjournment.

Petition of Joshua Thompson, and various other inhabitants of Montville, in the county of Lincoln, praying to be quieted in their landed possessions.

Read and committed to the committee on eastern lands.

Sent up for concurrence.

Petition of ^{at is} ^{exen} ^{th a} ^{say} ^{ah} Baker, and others, stating that their respective farms have been divided to their disadvantage, by the running of the last divisional line between Massachusetts and New-York.

Read and committed to Messrs. Endicot, Wheeler, of New-Marlborough, and Barstow, of West-Stockbridge.

Petition of Allen Crocker.

Read and committed to Messrs. Smith, of Boston, Wheaton, of Norton, and Oakes, of Malden.

Committee on the expediency of introducing into this chamber, Pollock's patent stoves—report them to be very commodious, and recommend that the use of them be adopted by this House.

The report is accepted, and two of the stoves of Pollock's construction are ordered to be erected in this house. The messenger is charged with the execution of this order.*

Gen. Eaton gave notice, that on Wednesday next he should move for the adoption of certain resolutions authorizing the Commander in Chief to take measures for the fortification of the heights in the vicinity of this capital; to provide for a train of flying Artillery; and for exempting from a capitation tax every noncommissioned officer and private who will provide himself with a suit of military uniform.

Gen. Eaton, after a few preliminary remarks, had leave to lay his proposed resolutions on the table for the inspection and consideration of the members in the mean time.

Petition of Levi Bates and Josiah Bemis.

Read and committed to Messrs. Hunnewell, Carr, of Orrington, and Symonds, of Tewksbury.

Mr. Crowninshield was charged with a message to the hon. Senate, to inform them that seats were prepared for their reception in the Representatives' Chamber, in order that his Excellency might meet the two branches of the legislature, according to his proposal, at 12 o'clock, this day.

* The Messenger has caused only one to be erected, as yet; that upon trial is not found to answer its purpose better than the one which has been displaced.

At 12 o'clock the Senators and Representatives being in convention, his Excellency came in, according to appointment, and delivered the following

SPEECH :

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

I HAD the honor, in your last session, to submit to your consideration, my sentiments upon the nature of our Commonwealth, as a Government in itself, and as a State forming an important member of the government of the United States.

I then expressed to you my ideas of what might be considered a due and regular administration of a Government, thus situated and thus connected. On a careful revision of that communication, I do not find any material errors in the principles upon which it was predicated—I shall, therefore, improve the advantages of this interview, in an attention to the jurisprudence of the State, and to its defence against foreign enemies.

It is readily seen, that the matters which will more particularly demand your attention, must relate to the internal government of the Commonwealth, and to its defence against the invasions of foreign powers—That those which regard the former, are principally connected with the Judiciary department, under the constitutional guidance of the legislative authority ; and that those which regard the latter, are, generally, connected with our situation, as a part of the United States.

All amendments and regulations that can be suggested, having a tendency to promote the due administration of justice, so that it may be obtained promptly, and without delay, in a cheap, and easy manner, conformably to established equal laws, will have the countenance of the Representatives of a free people.

But, as there was, in the last session, a committee appointed to deliberate, in the recess, and to report on this subject at large, I hope I shall not have occasion to trouble you with any observations on the Judiciary department ; unless it shall be on an act passed in the last session, to establish a new Court of General Sessions of the Peace—As that act is supposed to be very defective, and is not within the commission of the committee of the recess, I have a special message prepared upon it, which the Secretary will lay before you.

There is another subject connected with the Judiciary Department, which I think worthy of Legislative attention ; that is the exemptions from serving on grand and petit Juries—I am inclined to believe, that those exemptions, in the country from whence we derive the trial by jury, were originally exclusions, with a view, to prevent an undue interference of the powers of a mixed government ; there is not the same reason in an elective republic ; and as an exemption by privilege, it operates very unequally, increasing the burthen of civic duties upon the shoulders of that part of the community who are not the best able to bear it.—Should any questions arise on this subject, in regard to the constitutionality of a retrospective principle, the act may be modified so as to avoid any thing wrong.

The defect, supposed to be found in the act passed in the last session, for establishing a new Court of General Sessions of the Peace, has suggested to me the caution of your having those bills, which obtain an order in either House for a second reading, printed for the use of the members of the whole Court—Were all bills, which have importance enough to obtain an order for a second reading, to be printed, in such a number of copies, as that each member should have one, it would reduce the Legislature, substantially, though not formally, to a committee of the whole on each bill. The expense of the press seems to form the only objection to this mode of procedure—But if the bill is intended for an act of public concernment, it ought to be of importance enough to defray

the expense ; and if it is on a private concern, the party interested ought to bear the charge of printing it. There is no impropriety in my making the suggestion, because the practice would greatly aid the Governor in the part the constitution gives him in legislation.

There are divers matters of importance, which I think will merit your attention, and which I shall submit to your deliberations by special messages—Among these will be one, accompanied by a report of the Adjutant General upon the state of the militia.

The militia, which we must rely on, as our natural defence, is, by an act of Congress, left, principally, where the constitution of our Commonwealth had placed it, under the economy of our own particular State government.

You will observe, by the report of the Adjutant General, that the rank and file of the Militia, amount to sixty thousand four hundred and twenty two ; that these are arranged into *Divisions, Brigades, Regiments, Battalions* and *Companies*, and that those are completely officered. This, in a country, where the Artillery, and all the necessities for a camp and supplies of an army are procured from the ground, must render its defence respectable, and, under the blessing of God, effectual.

Where there has been any muster of a body of the Militia that would allow of a review by the Commander in Chief, in the course of the year, I have not neglected it. The three Brigades of the first Division, I have reviewed with great pleasure and satisfaction, and have also reviewed a number of detached corps of the first Brigade of the third Division—these bodies of the Militia, are a greater part of them in a uniform dress, and are well armed—they are in a good state of discipline, and exhibit a great regard to subordination ; a few weeks in a camp-life, will make them generally good troops. The Artillery corps are very well disciplined. The officers of all the Militia deserve much attention from the government. The companies raised at large have taken great pains to accomplish themselves, and have succeeded admirably well—they are good troops.

There has been a muster of the first Brigade of the second Division, but I had no notice from Major General BRICKETT that such a muster was intended, until after I had engaged to review the first and second Brigades of the first Division on the same week, and on days which would not admit of my going into the county of Essex ; but from information to be relied on, I can assure the honorable Senate and House, that great attention has been paid to that Brigade by its officers, and that on the parade they did honor to their country.

By knowledge gained from every part of the Commonwealth, I am able to assure you, that there exists an ardent spirit of improvement in the Militia, which has never before been seen ; there is evidence of an emulation, that does them, officers and men, much honor. They appear, as if preparing for the business of an important crisis, as if they considered the military defence of their country, to be their common and ordinary duty.

In the recess, the President called for a detachment of *eleven thousand and seventy five men*, including a proportionate number of officers, as this State's quota of one hundred thousand of the Militia, ordered by Congress to be detached if necessary. This detachment was readily made, the documents and papers of which, I will send with a special message. You will have, I believe, a peculiar pleasure in being informed, that the drafts, to form this detachment, were executed with the greatest possible promptness, in every part of the Commonwealth.

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

Since your adjournment an unfortunate circumstance has happened, which with the causes that produced it, have placed our nation in a political point of standing, with one of the European powers, seriously diverse from what it was when you returned from this House to your counties and towns. This is yet a subject of national negotiation, and being constitutionally in the hands of the national authority—I forbear to state any fact, or to utter any opinion respecting it.

Since the Independence of the U. States was recognized, by the power from whence they originated, twenty seven years have been witnesses to our political happiness, as well as to our public and private prosperity. Our national government has been conducted on the principle that we ought to remain in a state of perfect neutrality, as to the controversies of Europe. This is, certainly, our wisest policy.—It is found amongst the maxims of the Illustrious WASHINGTON, who made the glory, and happiness of his country, his particular study.

The convulsions of Europe, resulting from great and unexpected revolutions and calamitous wars among the nations there, have caused them to assume a policy too peculiar and novel, and to project plans too extensive, and interesting, to allow us, though at so great a distance from them, to remain in that security and quiet, which our equal indifference, as a government, to them all, encouraged us to hope for.

The rights of neutrality, founded in moral principle, and unequivocally established as law, by the common consent of nations, assured the freedom of commerce to neutrals, with all places that were not besieged by an enemy, with an expectation of a surrender.—The idea of holding the whole of an enemy's country under a siege by words, and prohibiting the commerce of neutrals by proclamations, has been lately adopted, first by one and then by another power; but this is nothing less than an assumption of the prerogative, to control or direct the affairs of other nations against their consent.

As two of the most powerful nations, in that quarter of the globe, have adopted such an extraordinary principle, and the United States remain the only neutral power that can be affected by it, we are in danger of being drawn into the vortex of their general, and expensive war.—Thus situated, our government has passed an act laying an Embargo on our own outward bound navigation.—Why should our vessels go to sea? If France takes all that are going to England and her provinces, and Great-Britain takes all going to France, her dependencies, or the countries of her allies, where are our vessels to be sent to?

This Embargo operates in a grievous manner upon those who depend on commerce, or any of its appendages, for support; but we can have no reason to believe, that this measure is adopted either wantonly or with wrong intentions in our government.—If these blockading decrees are to be rigorously enforced by the powers who have issued them, our government wants time to consider of the measures we ought ultimately to adopt, and permanently pursue.

To suffer our country to be stript of its maritime property and seamen, before we deliberate, would be the height of folly.—If we are to contend with more than one power, we need not hurry to the contest; if with one only, as an incidental ally against the other, we ought to proceed with caution, under a compact of alliance, and not to rush with rashness, and without due preparation to the combat. To extend our hand to either of the belligerent powers as an ally, without a preliminary invitation, would lay us completely at the foot of that power, and make her enemies the enemies of the United States.—The Act of Embargo is a measure of our constitutional government, and can be done away in a day, whenever our national situation shall render it eligible to do it.

We have no claim to an exemption from those calamities which are incident to other powers. We yet enjoy privileges, and public advantages, that render us the envy of others; therefore to murmur at the appearance of misfortune, is to express our ingratitude in the strongest language.

Had we continued our civil and political connexion with Europe, the wars of the power we should have been connected with, would have been our wars; and the measure of our burdens in their support would have been given by men, not elected or appointed by us: by men over whom we could have had no control, and whose own burdens must have been lessened in proportion as they should have increased ours.

As a free people—under free constitutions of civil government, we have a right to express our sentiments on public concerns.—But our constitutions were not intended to carry this principle so far, as to excuse, in any form, sedition against our government, or to allow wicked men to invite foreign powers to the invasion and conquest of our country.—The governments we are

under may err—The people may make a wrong choice of rulers ; but neither of these errors can justify an opposition to, or an attempt to change the nature of the government.—It is the first principle in the social compact, to submit to the voice of the majority. The second is an entire and ready obedience to the voice of our rulers, issued within the authority given them by the constitution.

At this important crisis, when our wisest and best men cannot decide, with satisfaction to themselves, what are the best measures to pursue, we ought to be instructed, as a people, from this, not rashly to condemn the measures adopted, nor suddenly to censure our leaders for their decisions.

It is clear beyond all controversy, that no measure can effectuate our security, unless we are firmly united among ourselves. A division of the States, would instantly dissolve the nation ; and destroy every obligation to civil and social duty. This our enemies see. They know that if the present national constitution was dissolved, the United States could never again exist as a sovereign and independent power ; but must fall a contemptible victim to foreign despots, or what is more likely, become the abject dependents of petty tyrants among themselves. Under those circumstances, our contests and bloody civil wars, which might with sound reason be expected, are too distressing to bear a description.

As our security, and even our existence, as a nation, depends on our union ; and as a union cannot be preserved, without an efficient vigorous government, it is very extraordinary, that men, under any party designation, or political appellation, should assume the character of friends to their country, while they are endeavoring to destroy the national union, and to overthrow the principles on which the federal government is founded.

To furnish powers, with whom we are engaged in controversy, with arguments against us—to expose to them our weakness—to originate and dress up new claims, which those powers have never conceived of—to gratify our enemies by treating our own government with contempt, and its constitution with ridicule, must be a strange kind of patriotism. If this is the business of men owing allegiance to their country, it is highly criminal. If it is by a few foreigners who have gained a residence in the country, as no doubt a greater part of it may be, it must be considered as a base misuse of the indulgence they derive from their situation. Under these circumstances, we must rely upon the intelligence and good understanding of the great body of American citizens. They know that men will differ in their opinions, on the principles, and the administration of governments, as much as they do in their statures and countenances ; and that the exercise of a prudent candor is necessary, in relinquishing their own, and acquiescing in the opinion of a constitutional majority.

It is time that our eyes were opened, not only to our danger, but to our true interest.—It is time that we had become one people ; without invidious distinctions, having no appropriate appellation, but that of American citizens. We may rely upon it, that an elective government can never destroy our nation, nor overthrow our liberties. Yet we may be assured from the nature of things, as well as from ancient and modern history, that a want of union among ourselves, will inevitably involve us in slavery and ruin.

GENTLEMEN,

This is an important crisis in our national concerns. Our country, filled with enterprize and industry, delights in commerce ; but lately adverse circumstances have opposed themselves to its accustomed success ; some of these I have already mentioned—There are others (among which may be numbered an *unsubstantial and excessive medium*) which have resulted from the economy of the particular States. The disastrous consequences flowing from these, are now, unfairly ascribed to the administration of the National Government. The design of this is apparent.—But I am happy in being satisfied, that your proceedings and sentiments in this session, will be such, as shall convince our foreign and domestic enemies, that Massachusetts yet holds her very important rank in supporting the federal government on its own principles, as predicated on those of the

revolution ; and that no circumstances, however perilous, or appearances however doubtful and gloomy, can cause this Commonwealth to shrink from a contest, wherein the honor and independence of the United States are drawn into question.

JAMES SULLIVAN.

His Excellency then withdrew ; and after him, the Senators.

A copy of the Governor's Speech was then, by vote of the House, read and committed to Messrs. Story, Welles, Crowninshield, Wheaton, of Norton, and Gen. Eaton, to prepare and report a suitable answer.

In SENATE, January 8, 1808.

Ordered, That the several joint committees of this court, who were appointed at the last session thereof, and did not finish the business then committed to them—now resume and complete such as remains unfinished.

Sent down for concurrence.

Read and concurred.

Adjourned to Saturday, 10 o'clock.

SATURDAY, January 9, 1808.

Met according to adjournment.

Petition of Joshua Harding, and others, of Sturbridge, who have been heretofore incorporated as a Poll Parish.

Read and committed to the committee on parishes.

Sent up for concurrence.

Petition of William Eaton, and others,

Read and committed to the committee on turnpikes.

Sent up for concurrence.

Letter was read from the Secretary of the Senate of the United States, accompanying a copy of the Senate's journal.

Petition and Remonstrance of Nathan Blake, and others, inhabitants of Union, in Lincoln county.

Read and committed to the committee on interior fisheries.
Sent up for concurrence.

In SENATE.

Committee to whom was referred the communication on the subject of the printed constitutions, report a resolve.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of Joseph Holton, and others, on the eastern boundary of the State, in a plantation called Holton; praying to be permitted to choose a Register of Deeds.

Read and committed to Col. Turner, Mr. Cheney, and Mr. Jones, of Falmouth.

Mr. Flagg is appointed in stead of Dr. Kittredge, on Joseph Stone's petition.

On motion—*Ordered*, That Mr. Story, Dr. Danforth, and Mr. Hawes, be a committee to consider whether any alterations are necessary to be made in the laws respecting the relief of prisoners confined in the county goals, with leave to report by bill or otherwise.

In SENATE.

Petition of Thomas Buckminster, and others,

Read and committed to Messrs. Gore and Howe, with such as the house may join.

Sent down for concurrence.

Read and concurred, and Messrs. Tolman, of Dorchester, Hall, of Medford, and Dr. Stearns, are joined.

A communication from the Solicitor General addressed to the Governor, informing him that John Wait, a member of the House of Representatives, had been convicted of forgery; was by the Governor inclosed to the Speaker, and read by him to the House.

Thereupon John Wait, the member implicated, presented a memorial, which is read; accompanied with a memorial in fa-

vor of his character, signed by a great number of persons—which is also read.

Both of which are committed to the committee on new trials.

Sent up for concurrence.

And the communication from the Solicitor General is committed to Colonel Hathorne, Mr. Davis, of Boston, Mr. Heath, of Roxbury, Mr. Fitz, of Newburyport, and Mr. Slocum.

On motion of Mr. Story—*Ordered*, That John Wait, a member of this House, be suspended from exercising the duties of a member, until the House shall have taken further order upon the report of the committee appointed to consider the communication of the Solicitor General, respecting that member.

Joseph Stone (in conformity to the report of committee) has leave to withdraw.

Committee on the Petition of Sarah Oliver, report a resolve.
Read and passed.

Sent up for concurrence.

On motion of Mr. Whitman, the executor of Gilbert Dench has leave to withdraw the petition of said Dench, presented at a former session, and referred over to the present ; together with all papers accompanying the same.

Committee on the pay of members for travel and attendance report a resolve, allowing them two dollars a day for attendance,

Read, and Tuesday, 10 o'clock, assigned for a second reading.

Petition of Walter M'Farland in behalf of the towns of Hopkinton and Upton.

Read and committed to Messrs. Hall, of B. Callender, of Boston, and Fisher, of Westborough.

Ordered, That Messrs. Story, Apthorp, and Brewer, be a committee to consider the expediency of printing the Journal of this House.

Adjourned to Monday, 11 o'clock.

MONDAY, January 11, 1808.

Met according to adjournment.

Mr. Cobb, a member from Portland, appeared, and Col. Wade attended him to the Council Chamber, to be qualified.

Mr. Speaker laid before the House a communication from the government of Vermont, proposing an amendment in the national constitution, that may empower the President to remove the national judges on address of a majority of the representatives, and two thirds of the senate of the United States. This communication had been sent to the governor of Massachusetts, and by him inclosed to the President of the Senate and Speaker of this House.

In SENATE, January 9, 1808.

Read and committed to Messrs. Hill and Gore, with such as the hon. House may join, to consider and report.

Sent down for concurrence.

Read and concurred, and Messrs. Story, Lloyd and Ripley, are joined.

Mr. Speaker laid before the House a communication from his Excellency Governor Sullivan, respecting the Militia of Massachusetts, and recommending a revision of the State Militia Law passed in June 1793. This communication is accompanied with a Report from the Adjutant General, and is addressed to both branches of the Legislature.

In SENATE, January 9, 1808.

Read and committed to Gen. Hildreth and Col. Phillips, with such as the hon. House may join, to consider and report.

Sent down for concurrence.

Read and concurred, and Gen. Spur, Gen. Eaton and Gen. Elliot, are joined.*

Another communication from his Excellency was laid before the House by the Speaker, inclosing a letter from several persons belonging to Schodic, (No. 5,) stating the menacing ap-

* This joint Committee, in the course of the session, drafted a new Militia Bill, which was offered in the Senate, and referred to the next Court.

pearances and conduct of the British on the Eastern boundary of the United States; together with his Excellency's answer thereto.

In SENATE.

Read and committed to Messrs. Brigham and King, with such as the hon. House may join, to consider and report.

Sent down for concurrence.

Read and concurred, and Messrs. Thomas, Apthorp and Carr, are joined.

Another communication from his Excellency addressed to both Houses, respecting the strength and quality of the Powder manufactured in America, and recommending the establishment of an Inspection of Gun Powder, manufactured or brought within this State.

This communication is accompanied with a statement of Powder in the State's Magazine.

Both of which are committed, in Senate, to Messrs. Spooner and Hubbard, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Col. Hathorn, Maj. Davis and Mr. Rogers, are joined.

Another communication from his Excellency, stating several defects, and recommending amendments in the Act passed at the last session, establishing the Court of General Sessions of the Peace.

In SENATE.

Read and committed to Messrs. Hill and Phillips, of Essex, with such as the hon. House may join, and

Ordered, That the Message be printed for the use of the General Court.

Sent down for concurrence.

Read and concurred, and Messrs. Whitman, Story, and Ripley are joined.

Petition of sundry persons of Longmeadow and Wilbraham, of the Baptist persuasion, praying to be exempted from paying parochial taxes to any, except ministers of their own choice.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of Oliver Chapin, for leave to sell the Lottery Tickets of a certain Lottery established in New-Hampshire.

Read and committed to Messrs. Sumner, Fisher, and Longley.

Petition of Joseph Crafts and others.

Read and committed to Messrs. Caldwell, Bigelow, and Dr. Holden.

A communication on the subject of fortifications, was received from his Excellency, addressed to both Houses, and by the Speaker laid before this House.

This communication was accompanied by a report from the Quarter Master General.

In SENATE, January , 1808.

Read and committed to Messrs. Otis and Means, with such as the hon. House may join, to consider and report.

Sent down for concurrence.

Read and concurred, and Gen. Eaton, Maj. Jackson, and Mr. Harris, of Charlestown, are joined.

Returned Order of Notice on Petition of John Dole, and others.

In SENATE.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Ordered, That the gallery and floor of the House be cleared of spectators, during the consideration of a communication of a confidential nature from his Excellency, which had been

In SENATE,

Read and committed to Messrs. McLellan and Storer, with such as the hon. House may join.

Sent down for concurrence.

And now in this House it is read and concurred; and Messrs. Hawkins, Apthorp, and Thomas, are joined.

The Gallery is now again opened for spectators.

Another communication is read from his Excellency, respecting the Penobscot Indians.

*In SENATE.**Read and committed to Col. Maynard, and Mr. Heard, with such as the House may join.**Sent down for concurrence.*

Read and concurred ; and Col. Turner, Messrs. Hall, and Tuckerman are joined.

Another communication from his Excellency was read, respecting the late draft of 11075 of the Militia in this State, in obedience to the requisition of the President of the United States.

*In SENATE.**Read and committed to Messrs. Town, and Willis, with such as the hon. House may join.**Sent down for concurrence.*

Read and concurred ; and Messrs. Flagg, Wade, and Shepard, are joined.

A communication from Charles Turner, jun. Esq. respecting the newly explored route from the head of tide waters, on Penobscot, to the soldier's Township, on St. John's, together with a plan of said route.

*In SENATE.**Read and committed to Messrs. Maynard and King, with such as the hon. House may join.**Sent down for concurrence.*

Read and concurred ; and Messrs. Cleveland, Danforth, and Ripley, are joined.

Petition of John Linn, and others.

*In SENATE.**Read and committed to the committee on Towns.**Sent down for concurrence.*

Read and concurred.

Petition of James Robinson, President of the Pond Street corporation.

Read and committed to Messrs. Bridge, Hunnewell, and Tolman.

Ordered, That Messrs. Purrington, Symonds, and Vinal, be a committee to consider the expediency of any alteration in the fees established by law, for the inspection of pickled fish.

Petition of John Waite, Sheriff of Cumberland.

Read and committed to Messrs. Cleveland and Fitz, with such as the hon. Senate may join.

Sent up for concurrence.

Petition of Trustees of Portland Academy, by Samuel Freeman, and others, their committee.

Read and committed to Messrs. Brewer, Callender, and McFarland.

Petition of George Lillie, and sundry persons, praying to be quieted in their settlements on land.

Read and committed to Mr. Fisher, Col. Turner, and Mr. Vinal,

Ordered, That Messrs. Whitman, Ripley, and Bigelow, be a committee to consider the expediency of making provision by law for the registering of all attachments made on real estate, before the same shall operate to incumber the conveyances of such estate ; with leave to report by bill or otherwise.

Timothy Hanscom offers a petition, which he has leave to withdraw immediately on its being read.

Petition of capt. John Tedder, praying for a remuneration for certain services in removing a gun house—not according to any order.

Read and Committed to Messrs. Davis and Brown, with such as the hon. Senate may join.

Sent up for concurrence.

In SENATE, January 12, 1808.

Read and concurred ; and Mr. Heard is joined.

Resolved, That the daily hour to which this House shall stand adjourned, shall be 10 o'clock in the forenoon ; until otherwise ordered.

Adjourned accordingly till Tuesday, 10 o'clock, A. M.

TUESDAY, *January* 12, 1808.

Met according to adjournment.

The committee on George Lilley's petition, (see yesterday's journal) are discharged; and it is thereupon committed to the joint committee on Eastern Lands.

Sent up for concurrence.

Petition of inhabitants of Paletomy.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

Petition of Peter Chalmers, and others.

Read and committed to the joint committee on Eastern Lands.

Sent up for concurrence.

Petition of Joseph Warren.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

Petition of Frost, Taylor, and Barlow.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

Petition of Joshua Sinclair.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

Petition of J. Gilman.

Read and committed to the committee on Names.

Petition of Luther Pierce.

Read and committed to the committee on Towns.

Sent up for concurrence.

Petition of Henry Johnson, a Deputy Sheriff of Arthur Lithgow, Esq. Sheriff of Kennebeck, stating that he had been fired upon and wounded while in the discharge of his duty.

Read and committed to Messrs. Ripley, Stowell, and McIntire.

Petition of Andrew Conant and others, inhabiting the County of York, praying to be organized as a company of Cavalry.

Read and committed to the committee on similar military applications.

Petition of Mary Boynton, widow, and others.

Read and committed to Messrs. Dickason, Eldred, and Keeler.

Petition of Francis Yates and others.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

Estimate of a Tax for the county of Cumberland.

Read and committed to the committee on similar applications.

Petition of Wallis Little, Timothy Gibson, and others, for a Turnpike.

Read and committed to the committee on Turnpikes, &c.

Sent up for concurrence.

Petition of Nat. Cross and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of T. Stimson and others, that the Commander in Chief might be authorised to raise a troop of Cavalry in Salisbury and Amesbury.

Read and committed to the committee on similar applications.

Petition of John Davis and others, of the county of Kennebeck.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

Petition of Henry Richardson and others.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

Mr. Whitman of the committee on petition of Andrew Dexter, reports a Bill, which is

Read first time, and Wednesday 11 o'clock assigned for second reading.

Resolve on the pay of members.

Read a second time and passed.

Sent up for concurrence.

Ordered, That Col. Fisher, Col. Wade, and Mr. McFarland. be a committee on the Pay Roll.

Ordered, That Messrs. Brewer, Davis, and Jackson be a committee to enquire whether the several Brigade Inspectors have *actually inspected* the Magazines of the several towns within the limits of their several Brigades.

Hon. Mr. Otis came with a Message from the hon. Senate—

"That the Senate, had at 11 o'clock this day, resolved themselves into a Court of Impeachment, for the trial of articles of impeachment exhibited at the last session against Moses Copeland, Esq. a Justice of the Peace for the county of Lincoln; but that the process against said Justice, not being yet returned, the Court of Impeachment have adjourned till Friday next, 11 o'clock."

Petition of Joseph Wales.

Read and committed to Messrs. Bigelow, Baldwin, of Egremont, and Dickinson.

Petition of Daniel Hazen, and others, praying for an alteration of a certain Turnpike road.

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Petition of Wm. Donnison, Esq. Adjutant General, for an augmentation of his pay in consideration of increasing duty, and a depreciating currency.

Read and committed to the committee appointed last session on the pay of the officers of government.

Petition of Thomas Haskell, Administrator of Michael Coombs.

Committed to Messrs. Heath, Wheaton, and Cleveland.

Nat. Emery's remonstrance against the Petition of Josiah Little.

Read and committed to the committee on Parishes.

Sent up for concurrence.

TUESDAY, JANUARY 12, 1808.

Mark Fitz's remonstrance against Petition of J. Little.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Committee on petition of Allen Crocker, report a resolve.

Read and passed.

Sent up for concurrence.

Mr. Whitman, of the committee appointed yesterday on the subject of recording attachments on real estate, reports a bill.

Read first time, and Tuesday, 10 o'clock, assigned for a second reading ; and

Ordered, That 400 copies of it be printed in the mean time, for the use of the members.

Ordered, That Messrs. Welles, Crowninshield, and Prince, with such as the hon. Senate may join, be a committee to take into consideration the expediency of directing the Treasurer of this Commonwealth to subscribe the amount of the Loan Certificates of the six per cent stock, (which are the property of this Commonwealth and are transferable) to the new stock which is intended to be issued in lieu thereof.

Sent up for concurrence.

Resolve for the pay of Mr. Thomas Walcutt for writing, &c. done for the General Court during the recess.

Read and passed.

Sent up for concurrence.

Ordered, That Messrs. M'Farland, Lloyd, and Ripley, be a committee to examine the several Charters of the several Insurance Companies in this Commonwealth ; and report the differences therein.

Adjourned till Wednesday, 10 o'clock.

WEDNESDAY, January 13, 1808.

Met according to adjournment.

Estimate of a county tax for the county of Hancock, -

Read and committed to the committee on similar matters.

Petition of overseers of poor of Bristol.

Read and committed to Messrs. Carr, Granger, and Eldred.

Remonstrance of Limington—Petition of Ebenezer Clark and others.

Read and committed to the committee on parishes.

Sent up for concurrence.

Mr. Picket is put on petition of Elijah Baker, *vice* Mr. Endicot.

Committee on petition of Griggs and others, praying for a bridge across Charles' River—report "leave to withdraw."

In SENATE.

Read and committed to the committee on turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of Daniel Hodges and others.

In SENATE.

Read and committed to the committee on turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of J. L. Austin, and other papers, committed in Senate to committee on turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of Gild Bastor.

Read and committed to the committee on eastern lands.

Sent up for concurrence.

Petition of the proprietors of Union Wharf.

Read and committed to Messrs. Story, Whitman, and Davis, of Boston.

Petition of Henry Orne, to have his name altered.

Read and committed to the committee on similar matters.

Petition of James King, 3d. to have his name altered.

Read and committed to the committee on similar matters.

Petition of certain persons in Fitchburg.

Read and committed to the committee on parishes.

Sent up for concurrence.

Returns of Ruggles Woodbridge, of South Hadley, and of Abner Brown, of Munson—were severally read ; and Mr. Fitz appointed to attend them to the Governor, to take the qualifying oaths, &c.

Petition of sundry persons of Beverly.

Read and committed to the committee on parishes, -

Sent up for concurrence.

Petition of Rufus Pierce.

Read and committed to the committee on bridges.

Sent up for concurrence.

Petition of James Young, an invalid soldier.

Read and committed to Messrs. Tucker, Hawkins, and Flagg.

Petition of sundry persons in Cambridgeport,

Read and committed to the committee on parishes.

Sent up for concurrence.

Petition of John Hodgdon.

Read and committed to the committee on eastern lands.

Sent up for concurrence.

Agreeably to assignment, the bill respecting the proprietors of the Exchange Coffee House, is read a second time, and tomorrow assigned for third reading.

Agreeably to assignment, the House proceeded to consider the three Resolutions offered to the consideration of this House, on Friday, Jan. 8, by the member from Brimfield.

The *first* Resolution for authorising the Executive of this State to fortify several of the ports and harbors of this State ; being read was committed to the joint committee appointed to consider the communication from his Excellency respecting fortifications, viz. Messrs. Otis and Means ; Eaton, Jackson, and Harris.

The *second* and *third* were also read and committed to the

committee appointed to consider his Excellency's communication on the subject of the Militia, viz. Messrs. Hildreth and Phillips ; Spurr, Eaton, and Elliot.

The hon. Mr. Maynard brought down an Order of Senate which he read and handed to the Speaker, as follows :

" In SENATE, Jan. 12, 1808.

" Ordered, That from and after this day the Senate will hold but one session in a day, to commence at 10 o'clock, A. M.—That all committees be and hereby are enjoined to set in the afternoon of each day.—And that a message be sent to the hon. House of Representatives to inform them of this order ; and request them to pass a similar order on their part."

This order being read by the Speaker, this House do pass a similar order on their part :—and Mr. Lloyd is charged with a message to the Senate to inform them of it.

Petition of William Clap.

Read and committed to the committee on new trials.

Sent up for concurrence.

Petition of Nahum Waite.

Read and committed to Mr. Goodwin, Maj. Jackson, and Col. Fisher.

Bill from the Senate, respecting the shire-town and times and places of the Common Pleas courts in Oxford,

Read first and second time—and committed to Mr. Davis ; and tomorrow, 11 o'clock, assigned for third reading.

Committee on petition of Joseph Craft and others, report a resolve authorising the sale of certain real estate in Dorchester.

Read and passed.

Sent up for concurrence.

Mr. Story of the committee to whom was committed the speech of his Excellency, delivered to both Houses of the Legislature, on Friday, the 6th inst. reported a draft of an answer, which, after a verbal alteration, was adopted as follows :

MAY IT PLEASE YOUR EXCELLENCY,

ON few occasions have the legislature convened, under circumstances, claiming more just solicitude, or more deep interest. Causes beyond our control, and events beyond our foresight have changed the aspect of the world, and annihilated relations, cemented by the force of ages. Accustomed to consider the wars of Europe as competitions of private interest, or public pride; calculated to engage the passions of the contending parties, and inoperative beyond them, neutral powers have calmly watched the issue, and buried in their own bosoms, all fear and all affection. After a profuse expenditure of blood and treasure, the exhausted combatants have resumed their former stations, and ratified their peace, by treaties, founded on ancient rights, and ancient boundaries. Hence though war has desolated its plains, with unusual frequency, Europe, until lately, presented to the philosopher and the statesman, nearly the same political proportions, which almost two centuries since, were settled as the basis of its sovereignties. But times are changed, and we are changed with them. A new policy has stimulated the ambition, and a new system invigorated the spirit of conquest. Power has assumed the decision of right, and regulated its dominion by the success of intrigue, or the terror of violence. Laws, hitherto deemed sacred and immutable, in the intercourse of nations, have been silently worn away by interpretation, or obliterated by *imperial mandates*. The progress, from a case of exception, to a general precedent, and from a general precedent, to an unbending principle, has been uniformly accelerated by the success of arms, and the acquiescence of peaceful powers. Interest, and not reason, has promulgated the rule, and the arguments of its existence, as well as of its justice, has been boldly inferred from the policy of its adoption. A self conceived necessity, measured by the extent of force, has settled not merely the comity, but the rights of nations, and a coercion of the sword, has quickened a reluctant obedience.

Under this extraordinary pressure of events, a desire to avoid the calamities of war, and to enjoy the advantages of an honorable neutrality, has induced the United States to submit to many infringements, of their rights, and many irregular exercises of belligerent authority. Knowing, that in a struggle, if not for existence, at least for future safety, nations with most friendly intentions, are at times compelled to harsh conduct, we have borne without a murmur, ordinary inconveniences. We love peace, because we have known the miseries of war. We love peace, because we have neither the wish nor the means to gratify the lust of conquest. We love peace, because we have felt its benefits. Our commerce, our agriculture, and our manufactures are nourished by it. We love peace, because it is essentially the character of a free, industrious, and frugal people; and comports with their permanent, and truest interests. But there is a point, beyond which forbearance becomes pusillanimity and destruction. If we submit, we must resign our national sovereignty; and if we resist, security must be purchased by heavy burthens. It is a choice of evils, which the wisest cannot avert, and the bravest cannot vanquish.

To this crisis, the United States seem rapidly hastening. The fate of other nations, should admonish us to use our means of defence with promptitude and zeal. We have learned a lesson which is every way important, that we can never safely rely upon the justice of nations, and that a recognition of our rights, depends upon our ability to enforce them. True policy therefore dictates, that for the future, whether in peace or war, we should accumulate naval and military resources, not as the instrument of hostile aggression, but as the protection of national dignity. Some persons, at the present moment, are ready to attribute our embarrassments to the policy adopted by the general government; but the true causes are rooted in Europe. Though remote, we are not beyond the reach of its convulsive movements; and when kingdoms are shaken, or created by a word, in the strength of our own arms, and the fortitude of our own hearts, exists the sole pledge of our safety.

We adopt the conduct of your Excellency, in respect to our national government; and relying on their fidelity, and on their wisdom, we express no opinion, as to the principles to be maintained, or the measures to be pursued. We most cordially agree, that a *generous confidence in our rulers*, and an inviolate obedience to their authority, is necessary to ensure to us, domestic tranquillity and foreign respect. Errors may arise; but amidst all the collisions of opin-

ions, the real patriot should never forget, that no policy can be fatal, which maintains against all foreign influence, the rights and the honor of his country. A constitutional remedy lies, to correct errors ; but disunion and distrust, which it will always be the interest of foreign nations to cherish among us, are seeds of destruction, which we sow in our own bosoms, and from them can reap a harvest only of confusion or slavery. We should learn, if we have not already bitterly learned, that there exists no nation, whose attachment to us extends beyond its own particular interests ; that we should banish all undue partiality and animosity, that we should cultivate with all, an honest friendship, and preserve a jealous circumspection, according to the character and conduct of their rulers. Among ourselves, we should bury all party distinctions as odious, and embrace the politician of every sect, whose path is illuminated by patriotism. Already have we deeply suffered from local disputes. Already have Europeans calculated on our internal weakness, and measured its extent, by the opposition of our councils. The hazard of insult and offence, has been materially lessened, by an apparent security from resentment. " It is indeed time that our eyes were opened, not only to our dangers, but to our true interests."

We have yet a confidence, that without a compromise of national honor, peace may be preserved. A steady and sober policy, a just and conciliatory conduct, and a resolute and inflexible independence, will, we trust convince foreign powers, that we shall not take counsel of our fears, or of our passions. It cannot be their true interest, or ours, to promote hostilities. *A liberal candor* may yet render a resort to the ultimate decision of arms unnecessary. If however war should ensue, (which we most sincerely deprecate) we may, with sober confidence, appeal to Heaven, for the justice of our cause. In such an event, we are bold to affirm, that *Massachusetts* will not shrink from its duty ; but with firm and honest zeal, awaken its revolutionary spirit, and support the national administration, with all its civil, and all its military resources.

We are happy to learn from your Excellency, the flourishing state of the Militia of this Commonwealth. *Their discipline, and correct organization, at all times important, is, at the present moment, peculiarly interesting.* To the other subjects communicated, we shall give an immediate attention as well from personal respect, as from their being recommended by the executive department. And we cannot conclude, without expressing to your Excellency, our unfeigned wish, that you may long be confirmed in your health and happiness, for the benefit of your friends, and of your country.

Ordered, That Messrs. Story, Welles, Crowninshield, Wheaton of Norton, and Gen. Eaton, be a committee to wait on his Excellency, and present him with the foregoing answer of this House to his Excellency's speech, delivered to both branches of the General Court on Friday last.

Petition of selectmen of Topsfield.

In SENATE.

Read and committed to the committee on Interior Fisheries.

Sent down for concurrence.

Read and concurred.

Petition of Josiah Little for a religious society in Newbury.

In SENATE.

Read and committed to the committee on parishes.

Sent down for concurrence.

Read and concurred.

A communication from his Excellency respecting the State Prison.

In SENATE.

Read and committed to Messrs. Heard and Fisher, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred ; and Messrs. Story, Davis, and Ripley are joined.

Petition of Abner Chapman.

In SENATE.

Read and committed to the committee on parishes.

Sent down for concurrence.

Read and concurred.

Petition of Josiah Patch and others.

In SENATE.

Read and committed to the committee on towns.

Sent down for concurrence.

Read and concurred.

Petition of selectmen of Dracut.

In SENATE.

Read and committed to the committee on interior fisheries.

Sent down for concurrence.

Read and concurred.

Three *Resolves*, in favor of Allen Crocker, Thomas Walcutt, and Sarah Oliver ; also, one establishing the pay of members of the government ; which resolves originated in this House, are, by the Clerk, handed to the Secretary.

Petition of Charles Holmes, and report of a former committee thereon.

In SENATE.

Read and committed to the committee on new trials.

Sent down for concurrence.

Read and concurred.

Communication from the Secretary respecting the laws of the United States which have been lately forwarded to the Governor.

In SENATE.

Read and committed to Messrs. Titcomb and Sprague, with such as the hon. House may join, to consider and report.

Sent down for concurrence.

Read and concurred; and Messrs. Mason, Dana, and Kneeland are joined.

Adjourned till 10 o'clock, Thursday.

THURSDAY, January 14, 1808.

Met according to adjournment.

Petition of sundry persons of Salem, praying to be incorporated as an insurance company, by the name of the Social Insurance Company.

Read and committed to the committee on insurance companies.

Sent up for concurrence.

Estimate of a Tax for the county of Washington.

Read and committed to the committee on similar applications.

The vote passed yesterday adopting the address to his Excellency in answer to his speech, is reconsidered; and the Clerk is *Ordered*, To lay the address on the Speaker's table, it not having been yet presented to the Governor, nor received by the committee appointed to present it.

Mr. Ripley, of Winslow, thereupon moves, that the words "*imperial mandates*," in the address, be expunged; and that the words "*royal proclamations and imperial decrees*" be substituted in their stead; and that the proposed address be so far amended, as to adopt the last mentioned words as expressive of the sense of this House.

After debate, the motion (and amendment) was agreed to; 113 for it—45 against it.

The draft of the address, thus amended, was thereupon adopted; and the committee who drafted it are appointed a commit-

tee, in the name of this House, to present it to his Excellency ; and they are forthwith enjoined to proceed to his Excellency therewith.

Mr. Wright, of Boston, presented a petition, which he said had been signed by several distressed seamen ; which had been previously addressed to the selectmen of Boston, and by the said selectmen recommended to the attention of the members from Boston, in the House of Representatives.

Read and committed to Messrs. Martin, of Marblehead, Ward, of Salem, and Moody, of Saco.

Ordered, That Messrs. Locke, Ripley, and Wheaton be a committee to enquire whether any, and if any, what alterations ought to be made in the laws now in force providing for the process of replevin ?

The committee appointed to deliver the address of this House to the Governor in answer to his speech, reported that they had performed that commission.

The committee on the petition of Oliver Chapin for leave to sell Lottery Tickets in this State, report "leave to bring in a bill."

Read, and *not* accepted ; and the petitioner has leave to withdraw.

Petition of Jonathan Bixby and others, proprietors of mill works on Charles' River.

In SENATE.

Read and committed to Messrs. Maynard and Gore, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred ; and Messrs. Caldwell, Moody, and Hayden are joined.

Petition of Solomon Jordon and others.

In SENATE.

Read and committed to the committee on towns.

Sent down for concurrence.

Read and concurred.

The petitions of John Waite, Sheriff of Cumberland, and of Capt. John Tedder, of Marblehead, (see page 20) which have originated in this House, and been committed to a joint committee of both Houses; also, an order respecting this State's ten Certificates of six per cent stock, are all handed by the Clerk to the committee (on the part of this House) to whom these three matters have been severally referred for consideration.

The resolution proposed by Gen. Eaton, respecting fortifying sundry harbors, came down from the Senate, with their concurrence, in their being committed to the joint committee on fortifications.

The resolutions proposed by Gen. Eaton, respecting *flying artillery*, and uniforming the militia, came down from the Senate with their non concurrence.

The petition for the Social Insurance Company, at Salem, came down from the Senate, with their concurrence in the commitment proposed by this House.

Remonstrance of Andover.

In SENATE.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Memorial of Aaron Hill and others.

In SENATE.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Order of notice on petition of John Endicot.

In SENATE, January 14, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of John Pearson and others, report a resolve.

Read and passed.

Sent up for concurrence.

Committee on petition of the Trustees of Portland Academy, report that the Petitioners have leave to withdraw.

Accepted.

The committee appointed on Saturday, the 9th instant, to consider the expediency of printing the Journal of this House, report a resolve for that purpose, as follows :

Resolved, That the Clerk of this House cause the Journal of the last session to be printed for the use of the members ; and as soon as may be after the present session, he cause the Journal of the present session to be printed, for the use of the members.

That six hundred copies of said Journal be so printed, with paper and type of the size, as near as may be, of the laws printed by order of the Legislature.

Read and passed.

The petition of Francis Yates and others, committed to the committee on Eastern Lands, in this House, January 13, came down from the Senate with their concurrence, in said commitment.

Ordered, That Mr. Wright, Gen. Eaton, and Gen. Spurr, be a committee of conference, to confer with a committee that may be appointed on the part of the Senate, on the subject of the Senate's non concurring the vote of this House, committing the resolutions proposed by Gen. Eaton, respecting flying artillery, and military uniforms, to the joint committee on the Governor's communication on the militia laws.

Mr. Wheaton is appointed to carry the above order to the Senate, and to announce to them its subject.

Adjourned to Friday, 15th January.

FRIDAY, January 15, 1808.

Met according to adjournment.

Petition of R. Gray, and the principal part of the inhabitants of plantation called Greene, on the Waldo patent, representing

that they have been deceived in not receiving valid title deeds of their lands.

In SENATE, January 14, 1808.

Read and committed to Messrs. Town, Hill, and King, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Ripley, Moody of Hallowell, and Carr of Orrington, and Cobb of Portland are joined.

Petition of Arthur Given.

In SENATE, January 14, 1808.

Read and committed to Messrs. Town, Hill, and King, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Ripley, Moody of Hallowell, Carr of Orrington, and Cobb of Portland are joined.

Petition of Arthur Lithgow.

In SENATE, January 14, 1808.

Read and committed to Messrs. Town, Hill and King, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Ripley, Moody of Hallowell, Carr of Orrington, and Cobb of Portland are joined.

A similar order passed both Houses, on the several petitions of

George Lilly,

Joshua Thompson and others, of Montville.

G. Barton and others,

Joseph Warren and others,

William Taylor and others,

Peter Chalmers and others,

Joshua Sinclair and others,

Henry Richardson and others,

Moses Martin and others.

The foregoing petitions had all been read and committed to the standing committee on Eastern Lands, in this House, and sent up for concurrence ; but they came down this day non concurred by the Senate, and by them committed as above, in which this House without debate concur.

Petition of Oliver Pratt and Byram Lazell.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Committee on petition of Joseph Wales report a resolve.

Read and recommitted.

Bill to enable the proprietors of the Exchange Coffee House to borrow money, &c.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill respecting the times and places of holding the Courts of common pleas, in Oxford county.

Read a third time, and passed to be engrossed, in concurrence with an amendment at A.

Sent up for concurrence.

Bill to incorporate certain persons by the name of the Massachusetts Missionary Society.

Read a first time, and Tuesday next, 10 o'clock, assigned for second reading.

On motion of Mr. Whitman—

Ordered, That all committees appointed to sit during the late recess, be authorised to make report whenever the majority of those committees present, may have agreed upon any report; although the majority *present*, may not be a majority of *the whole committee*, as originally appointed before the recess.

Petition of Jason Clap of South Boston.

Read and committed to Messrs. Winn, Hunnewell and Holden.

Remonstrance of John Ford and others, against establishing a bridge across Merrimack River.

In SENATE, January 13, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Remonstrance of the Essex Turnpike Corporation.

In SENATE, January 13, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Hon. Mr. Phillips of Essex, came with a message from the Senate, to inform this House—

——“*That the Senate did this day, at 11 o'clock, resolve themselves into a Court of Impeachment, for the trial of Moses Copeland, Esq. but the process not being returned, said Court have adjourned till Wednesday, 11 o'clock.*”

On motion of Mr. Story—

Twelve o'clock this day, is assigned for the purpose of balloting for two managers, to conduct the impeachment against Moses Copeland, Esq. in the room of Messrs. Bangs and Bradbury, who are absent.

Remonstrance of the proprietors of Andover bridge.

In SENATE, January 13, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of Jacob Jaquith and others, and of Charles Cushing and others, for an alteration of the act providing for the Hop Inspection.

Read and committed to Messrs. Whittier, Butterfield and Barstow.

Petition of Hepter Jones and others.

Read and committed to the committee on Interior Fisheries.

Sent up for concurrence.

Petition of Jonas Whitman.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition that the Governor may be empowered to raise a company of Grenadiers, signed by Phillip White and others.

Read and committed to the committee on similar subjects.

Petition of the town of Newry, praying that the proceedings of a certain illegal town meeting therein, may be confirmed.

Read and committed to Messrs. Sibley, Dickinson and Fearing.

Petition of Benjamin Killey.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of James Beers and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of H. Emmons, stating himself to be of a religious persuasion averse to war, and that he is now imprisoned for not paying a fine for neglecting military duty, and praying for present relief, and future exemption.

Read and committed to Messrs. Moody, Whitman and Picket.

The committee appointed at the last session, on the subject of a State Bank, reported a bill on that subject, of which the House ordered 600 copies to be printed as soon as possible; and the title being read, the consideration of the bill is assigned for Tuesday, 26th Jan. 11 o'clock.

Mr. Purrington of the committee on the subject of the Fish Inspection, reported a bill to alter the fees established for inspecting certain pickled fish.

Read a first and second time, and Tuesday next, 11 o'clock, assigned for a third reading.

Agreeably to assignment, the House proceeded to the choice, by ballot, of two managers of the impeachment against Justice Copeland, in the room of Messrs. Bangs and Bradbury, who are absent; and the votes being counted, it appeared that Mr. Wheaton of Norton, and Mr. Crowninshield of Salem, were elected.

The committee on the subject of Licensed Houses, report a bill to regulate Licensed Houses.

Read a first time, and recommitted for the purpose of amendment.

Hon. Mr. Otis came from the Senate with

"A request that this House would send up certain proposed resolutions respecting flying artillery, and the remission of a poll tax to the uniformed non commissioned officers and privates of the militia, which had been agreed to in this House, sent up for the concurrence of the Senate, and by the Senate non concurred."

They were sent up accordingly.

Adjourned to Saturday, 10 o'clock.

SATURDAY, January 16, 1808.

Met according to adjournment.

Committee of both Houses on the petition of John Waite, Sheriff of Cumberland, report leave to withdraw.

In SENATE.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of Washington Dodge, David Dodge and others.

In SENATE.

Read and committed to Messrs. Town, Hill, and King, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Ripley, Cobb, Carr and Moody are joined.

Bill to incorporate a town by the name of Ward Boylston.

This bill had been read and passed to be engrossed in the Senate, and was read twice at the last session, in this House, and referred to the present session for further consideration; and now it is read again, as in the first reading in this House, and Monday next, 11 o'clock, is assigned for its second reading; and it is committed, in the mean time, to Messrs. Kneeland, Brewer, and Conant, to alter the name of the act, and make sundry other

alterations, in conformity to the sense of the House, as expressed in the course of debate on the subject.

Committee on petition of Joseph Houlton and others, report a bill, which they lay on the table ; and it is read twice, and Tuesday, 10 o'clock, assigned for third reading.

Petition of William Stoddard of Durham, (by Prentiss Mellen, his attorney).

Read and committed to Messrs. Cobb of Portland, Davis of Boston, and Col. Wheaton of Thomaston.

Petition of Olive R. Watts, (by her attorney, Prentiss Mellen.)

Read and committed to Mr. Adams of Townsend, Colonel Bradley of Lee, and Mr. Mason of Cambridge.

Petition of Nathan Wesson, for, and in behalf of a religious society in Freeport.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Ordered, That Messrs. Wheaton, Hawes and Spooner, be a committee to consider the expediency of altering the times of the sitting of the Supreme Judicial Court, in the counties of Plymouth and Bristol.

Ordered, That all public and general bills, in their second reading, be printed for the use of this House ; and that the Clerk be directed to cause 500 copies of each bill to be printed accordingly.

Committee on petition of the proprietors of Union Wharf, report leave to bring in a bill.

Accepted.

Mr. Story, of the committee appointed on the 19th January, 1807, to superintend the publication of the late Province Laws, offers a resolve, authorising the employment of a Clerk to transcribe those laws, and to authorize the Secretary to suffer said laws to go out of his custody, for the above mentioned purpose.

Read and passed.

Sent up for concurrence.

Mr. Story offers another resolve to authorize the printing of the laws of the three last sessions, with a view to their being paged, and indexed, in a more perspicuous and systematic manner.

Read and passed.

Sent up for concurrence.

“The committee appointed by the House of Representatives, at their last May session, “to take into consideration the Judiciary System of this Commonwealth, and report by bill or otherwise at the next session of this General Court, such alterations therein, if any, as they may think will be for the interest and happiness of this Commonwealth,” have attended to the duty so assigned them, and respectfully report :

That they have prepared three bills, embracing various modifications of the existing system of judicial jurisdiction :

1. A bill, entitled, an act supplementary to an act, entitled, an act establishing a Supreme Judicial Court within this Commonwealth.

2. A bill, entitled, an act supplementary to an act for enlarging the jurisdiction of the Courts of Common Pleas, and other purposes.

3. A bill, entitled an act providing relief in equity.

In the first bill they have availed themselves of the learned labors of their predecessors, and cannot but recommend the system proposed by it, as combining very great simplicity with very great advantages. In the second bill they have proposed amendments to the Courts of Common Pleas, which, without impairing their general structure, are calculated to produce salutary effects and lasting benefits. The object of both of these bills is to render the administration of justice simple, prompt, and cheap ; to settle principles of decision, which may stand the test of future scrutiny ; to awaken the emulation of learned men ; and to bring relief home to the doors of the oppressed and the injured.

These bills comprehend all the amendments, which the committee deem essential in the courts of common law. But there are various cases claiming the attention of an enlightened legislature, in which no remedy for wrongs exists at common law, or the remedy provided is ineffectual and incomplete. The courts, established for the ordinary administration of justice, are bound by settled forms of proceeding, and by a rigid adherence to rules of decision, which, though wisely and admirably framed for the

purposes of justice, are sometimes injurious in their application to particular cases. This consideration has induced that intelligent nation, from which we in a great measure derive our laws and our usages, to institute Courts of Equity, whose jurisdiction extends to all cases, where natural justice gives a right, and the common law has provided no means to enforce it. The same necessity, aided by the same consideration, has induced several, and among these, two of the most intelligent States in the union to establish Courts of Equity; and when the committee name the respectable states of New-York and Virginia, they presume, that the weight of such authority will not easily be shaken. As the principles and the jurisdiction of Courts of Equity are not familiarly understood among us, and the committee have deemed it their duty to offer a bill on this subject, it cannot be incorrect in them to submit the reasons, which led to the suggestion.

Courts of Equity, as contradistinguished from Courts of Law, have jurisdiction in cases, where the latter, from their manner of proceeding, either cannot decide at all upon the subject, or cannot decide conformably with the principles of substantial justice. Whenever a *complete, certain, and adequate* remedy exists at law, Courts of Equity have generally no jurisdiction. Their peculiar province is to supply the defects of law in cases of *frauds, accidents, mistakes, or trusts*. In cases of fraud, where an instrument is fraudulently suppressed or withheld from the party claiming under it; where an unconscientious advantage has been taken of the situation of a party; where a beneficial property is injuriously misappropriated; equity interferes, and compels complete restitution. In cases of accident, or mistake, where a contract has been made respecting real or personal estate, and by reason of death it cannot be completed; or where, by subsequent events, a strict performance has become impossible; where, in consequence of a defective instrument, the intention of the parties is in danger of being defeated; or where a want of specific performance cannot be compensated in damages; equity administers the proper and effectual relief. In cases of trust, where real or personal estate, by deed, will, or otherwise, is confided to one person for the benefit of another; where creditors are improperly preferred or excluded; where numerous or discordant interests are created in the same subject matter; where testamentary dispositions, for want of a proper trustee, are not fulfilled; and where fiduciary estates are, by connivance or obstinacy, directed to partial or unjust purposes; equity applies the principles of conscience, and enforces the express or implied trusts according to good faith.

Sometimes, by fraud or accident, a party has an advantage in proceeding in a court of ordinary jurisdiction, which must necessarily make that court an instrument of injustice, if the suit be suffered ; and equity, to prevent such a manifest wrong, will interpose, and restrain the party from using his unfair advantage. Sometimes, one party holds completely at his mercy the rights of another, because there is no witness to the transaction, or it lies in the privity of an adverse interest ; equity in such cases will compel a discovery of the facts, and measure substantial justice to all. Sometimes, the administration of justice is obstructed by certain impediments to a fair decision of the case in a court of law ; equity, in such cases, as auxiliary to the law, removes the impediments. Sometimes, property is in danger of being lost or injured, pending a litigation ; equity there interposes to preserve it. Sometimes oppressive and vexatious suits are wantonly pursued and repeated by litigious parties ; for the preservation of peace and of justice, equity imposes in such cases an injunction of forbearance.

These are a few only of the numerous cases, in which universal justice requires a more effectual remedy, than the courts of common law can give. In proportion as our commerce and manufactures flourish, and our population increases, subjects of this nature must constantly accumulate ; and, unless the Legislature interpose, dishonest and obstinate men may evade the law, and intrench themselves within its forms in security. One or two striking instances, applicable to our present situation, will illustrate these positions. In this Commonwealth no adequate remedy exists at law to unravel long and intricate *accounts between merchants in general* ; and *between partners* the remedy is still less efficacious to adjust the partnership accounts. A refractory or fraudulent partner may seize the books, papers, and effects, of the firm, and cannot by any process be compelled to disclose or produce them. In many instances, therefore, neither debts can be recovered, nor accounts be adjusted by them, unless both parties are equally honest, and equally willing. Great evils have already arisen from this cause, and still greater must arise, unless equity be brought in aid of law. In cases of *pecuniary and specific legacies*, no complete remedy lies to compel a marshalling of the assets, or an appropriation of them according to the intention of the testator ; and where the interests of the parties are complicated, great injustice must often ensue. In cases of *trusts*, created by last wills and testaments, which are already numerous, no remedy whatsoever exists to compel the

person on whom the fiduciary estate devolves, to carry them into operation. He may take the devised property, and if his conscience will permit, may defy all the ingenuity and all the terror of the law. *Mortgages* afford a great variety of questions of conflicting rights, which, when complicated, are beyond the redress of the ordinary courts; nay more, may often be the instruments of iniquity under their judgments. A discovery on oath seems the only effectual mean of breaking down the barriers, with which the cunning and the fraudulent protect their injustice. The process, by which the goods, effects, and credits of debtors are attached in the hands of their trustees, is often inefficient, and sometimes made the cover of crafty chicanery. Perhaps too in *assignments of dower*, and *partition of estates*, where the titles of the parties are questionable and intricate, or the tenants in possession are seized of particular estates only; it will be found that Courts of Equity can administer the only safe and permanent relief.

The committee are not aware of any solid objection to the establishment of a Court of Equity in this Commonwealth. The right to a trial by jury is preserved inviolate; and the decisions of the court must be governed as much by settled principles, as courts of law: precedents govern in each, and establish rules of proceeding. The relief granted is precisely what a court of law would grant, if it could; *for equity follows the law*. The leading characteristics of a Court of Equity are, the power to eviscerate the real truth by discovery of facts upon the oath of the party charged; the power to call all parties concerned in interest, however remote, before it; and the power to adapt the form of its judgments to the various rights of the parties, as justice and conscience may require.

If the admirable provision of the Constitution be duly enforced, that every citizen of the Commonwealth "ought to obtain right and justice freely, and without being obliged to purchase it, completely, and without any denial; promptly, and without delay," the committee feel some confidence, that a system of jurisprudence, which points to all the objects of legal and equitable jurisdiction, will not be thought unworthy of the deliberate and the earnest attention of the Legislature.

All which is respectfully submitted.

By order of the committee,

JOSEPH STORY, *Chairman.*"

The foregoing report being read by the Speaker, the titles of the three several bills therein mentioned and thereto subjoined, were also read, viz.

An act, supplementary to an act, entitled "An act establishing a Supreme Judicial Court within the Commonwealth."

An act supplementary to an act, for enlarging the jurisdiction of the Courts of Common Pleas, and other purposes.

An act providing relief in equity.

Ordered, That 500 copies of said report, and of the three bills thereto subjoined, be printed for the use of the members; and that next Tuesday week, (26th Jan.) 11 o'clock, be assigned for a second reading of said bills.

Ordered, That Messrs. Davis of Boston, Goodwin of Charlestown, and Gen. Eaton, be a committee to consider whether any, and what amendments are necessary in the laws, now in force, regulating the keeping and transportation of gun powder, within the town of Boston.

Ordered, That Messrs. Brewer, and Heath, be a committee, with such as the hon. Senate may join, to examine the accounts of *Treasurer* SKINNER, from the time of his coming into office, until 30th June, 1808.

Sent up for concurrence.

Mr. Bigelow, of the committee on the subject of the repairing and railing of bridges and causways, reports a bill.

Read once, and Tuesday next, 10 o'clock, assigned for second reading.

Committee appointed at the last session, on the subject of the inspection of smoked fish, report a bill to prevent fraud in the packing thereof.

Read once, and Tuesday, 11 o'clock, assigned for second reading.

Committee on petition of Josiah Patch and others, report leave to withdraw.

*In SENATE.**Read and accepted.**Sent down for concurrence.*

Read and concurred.

Petition of E. W. Ripley, and order of notice thereon, returned.

*In SENATE.**Read and committed to the committee on Turnpikes.**Sent down for concurrence.*

Read and concurred.

Petition of Lemuel Parker.

*In SENATE.**Read and committed to the committee on New Trials.**Sent down for concurrence.*

Read and concurred.

Petition of Wallis Little, and order of notice.

*In SENATE.**Read and committed to the committee on Turnpikes.**Sent down for concurrence.*

Read and concurred.

Estimate of a tax for the county of Barnstable.

Read and committed to the committee on similar applications.

Petition of Alfred Johnson, for an act of incorporation for an academy at Belfast.

Read and committed to Mr. Smith of West Springfield, Col. Turner, and Mr. Smith of Boston.

Committee on the bill for incorporating the town by the name of "Ward Boylston," report several amendments, which are agreed to.

Adjourned till Monday, 18th Jan. 11 o'clock.

MONDAY, January 18, 1808.

Met according to adjournment.

Report of the committee on the petition of Benjamin Whitwell, and order of notice issued the last session, and now returned.

In SENATE.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Committee on petition of Solomon Jordan and others, report an order of notice.

In SENATE.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on engrossed bills report, as duly engrossed, "An act to establish the shire town, and times and places for holding the Court of Common Pleas, within and for the county of Oxford."

Passed to be enacted.

On motion of Mr. Prince of Marblehead, and seconded, it is *Ordered*, That Messrs. Story, Prince, and Wheaton, be a committee to examine the Statute Laws of this Commonwealth, to see if any of them require alteration or amendment, in order to make them conform to the decisions of the Supreme Judicial Court, as printed in a book, called "*Massachusetts Term Reports*," and published from time to time, under the inspection of the said Court.

Mr. Smith of West Springfield, presented a paper signed by Samuel Gibbon and others, purporting to be a statement of certain facts and proceedings that have taken place in Marlboro', with regard to the ecclesiastical concerns of that town.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of Larned Shepard, Elijah Owen and others, inhabitants of the town of Loudon and its vicinity.

Read and committed to the committee on Parishes.

Sent up for concurrence.

A communication from the Governor, accompanied with a memorial, signed by Turner Crooker captain, and other officers in the "Legionary Brigade" so called, comprising the militia of Boston and Chelsea; said communication is accompanied with the the opinion and advice of the COUNCIL, recommending it to the Governor to refer the subject of said memorial to the General Court.

In SENATE, January 16, 1808.

Read and committed to the committee on Militia Laws, and ordered to be printed for the use of the members.

Sent down for concurrence.

Read and concurred.

Bill to incorporate the town of West Boylston.

Read a second time, and tomorrow, 11 o'clock, assigned for a third reading.

Petition of Aquila Moffat and others, inhabitants of No. 2, in the first range north of the Waldo patent.

Read and committed to the committee on Towns.

Sent up for concurrence.

Petition of Ruth Mayhew.

Read and committed to Messrs. Bigelow of Leominster, Daniels, and Ulmer.

Committee on petition of Jonathan Young, a wounded militia soldier, report a resolve in his favor.

Read, and tomorrow, 11 o'clock, assigned for second reading.

Hon. Mr. Gore came with a message from the Senate, to inform this House, that—

—“*On the petition of Andrew Cragie, and report thereon, in which the two Houses could not agree at the last session, the Senate have now appointed a committee of conference, on the subject of difference between the two Houses on said petition,*

and report ; in which procedure, the Senate request the concurrence of this House.

The hon. gentleman left with the Speaker the papers and the order of the Senate in this case, and withdrew.

The order of Senate was then read as follows :—

“ COMMONWEALTH OF MASSACHUSETTS.

“ *In SENATE, January 18, 1808.*

“*Ordered*, That the hon. Messrs. Hill, Phillips of E. and King, be, and hereby are appointed, a committee to confer with such committee as the House shall name, on the differences which exist between the two branches, on a REPORT made by a joint committee, the last session, upon a petition of Andrew Craige, relative to the *Canal Bridge*, and to consider what the public convenience, and the interest of the Commonwealth may require on this subject, and to report *the result of such conference.*

“ Read and passed.

“ SAMUEL DANA, *President.*”

In the HOUSE of REPRESENTATIVES, Jan. 18, 1808.

Ordered, That Messrs. Turner, Wheaton, and Smith, be conferrees on the part of this House, on the aforesaid subject of difference.

PEREZ MORTON, *Speaker.*

Ordered, That the messenger furnish the House with six volumes of the Massachusetts Term Reports, published by D. A. TYNG, the present Reporter of the decisions of the Supreme Judicial Court of this Commonwealth.

Ordered, That the joint committee having under consideration the Militia Laws, be directed to consider the expediency of exempting all persons belonging to any *life boat* in this Commonwealth, from doing military duty.

Sent up for concurrence.

Ordered, That Messrs. McFarland, Wright, and Ripley, be a committee to consider the expediency of making provision, by law, to prevent the arresting the body or bodies of any person or persons, by force of any precept issued by a Justice of the Peace, on a civil action, until judgment is recovered, and execution issued.

The resolve which passed in this House, on the 16th instant, appointing certain persons to examine and adjust the accounts of the Treasurer from the time of his appointment, until the 30th of June, 1808, and was sent to the Senate for concurrence, came down concurred, so as to limit the powers of the Commissioners, to the 30th of June, 1807, and requiring that they make report to the present session of the General Court.

Sent down for concurrence.

Read and concurred.

Petition of John Haywood and others.

Read and committed to the committee on Military applications.

Petition of Samuel Grant, an old wounded soldier.

Read and committed to Mr. Drury, Maj. Ulmer, and Col. Flagg.

Petition of the selectmen of Columbia, (Joseph Patten and others).

Read and committed to Messrs. Shead, Goddard, and Hall of Buckstown.

The House assign Thursday, the 28th of Jan. at 12 o'clock, for the purpose of electing, by ballot, a Clergyman to preach the next election Sermon—

—A nomination list may, in the mean time, be put up for the consideration of the House.

Committee on petition of Olive R. Watts of Portsmouth, (by her attorney, Prentiss Mellen) she being guardian of Edward Watts her son, a minor, report a resolve in her favor.

Read and recommitted for amendment.

The committee offer it again with amendments; but after some debate, and on motion of Col. Turner, the consideration of this resolve is postponed until the further order of this House.

Adjourned till 10 o'clock, tomorrow.

TUESDAY, *January* 19, 1808.

Met according to adjournment.

Petition of Joshua Harding and others, agents of a Poll Parish in Sturbridge, praying it may be made a parish, with lines.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Agreeable to assignment, the House proceeded to the second reading of the bill providing for the registering of all attachments made on real estate.

It being read, and its introducer, Mr. Whitman, not being in his place, the further consideration of it is postponed, till the further order of the House.

Agreeable to assignment, the House proceeded to the third reading of the bill for establishing a Registry of Deeds at Houlton, in the District of Maine, and county of Washington.

Passed to be engrossed.

Sent up for concurrence.

Bill respecting public worship, referred from the last session, is called up by Mr. Nichols of G. Barrington, and ordered to lie on the table.

Petition, and order of notice thereon, signed by sundry inhabitants of Hancock county, praying for a removal of the Courts from Castine to Buckstown.

In SENATE.

Read and committed to Messrs. Storer and King, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Kneeland, Cleveland, and Osgood are joined.

Petition of Timothy Gibson, Stephen Gibson and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of John Willard, and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of Benjamin P. Hill, and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of William Moody, James Nesmith, and others, inhabitants of Hancock county, praying a removal of the Courts.

Read and committed to Messrs. Whittier, Thomas, and Moody, of Hallowell.

Petition of Betsey Davis and John Davis, administrators.

Read and committed to Messrs. Ripley, Callender, and Dickinson, of Machias.

Memorial of John Beverage and others, for the inhabitants of Vinalhaven, remonstrating against the removal of the Courts of Hancock county, from Castine to Buckstown.

Read and committed to Messrs. Kneeland, Cleveland, and Osgood, with such as the Senate may join, (being the same who have under consideration the petition of sundry persons of Hancock county for the removal of the Courts from Castine to Buckstown.)

Sent up for concurrence.

Remonstrance of the town of Northport.

Read and committed to Messrs. Kneeland, Cleveland, and Osgood, with such as the hon. Senate may join.

Sent up for concurrence.

Remonstrance of the town of Castine.

Read and committed to Messrs. Kneeland, Cleveland, and Osgood, with such as the hon. Senate may join.

Sent up for concurrence.

Remonstrance of the town of Hampden.

Read and committed to Messrs. Kneeland, Cleveland, and Osgood, with such as the hon. Senate may join.

Sent up for concurrence.

Remonstrance of the town of Penobscot.

Read and committed to Messrs. Kneeland, Cleveland, and Osgood, with such as the hon. Senate may join.

Sent up for concurrence.

Bill to regulate Licensed Houses.

Read once, and Tuesday next, 22d Jan. 10 o'clock, assigned for second reading.

The House proceeded to the consideration of the bill providing for the registering of all attachments on real estate ; it being read a second time, the question for its third reading was decided in the negative.

Petition of Josiah Millard and others, of Egremont, praying to be incorporated as "the first Baptist Society in Egremont."

Read and committed to the joint committee of both Houses on Parishes, &c.

Sent up for concurrence.

Committee on petition of Henry Emmons; "*a freewill baptist*"—report leave to withdraw his petition.

Accepted and ordered.

Petition of Eben. Parsons and others, for a Bridge ; and order of notice thereon issued at the last session.

In SENATE, Jan. 18, 1808.

Read and committed to the committee on bridges, turnpikes, &c.

Sent down for concurrence.

Read and concurred.

Communication from the Governor, recommending that the Governor and Council be authorized to settle with the managers and agent of Amoskeag Canal Company, respecting their lottery.

In SENATE, Jan. 18, 1808.

Read and committed to Messrs. Hildreth and Spooner, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Smith, of West-Springfield, Harris of Charlestown, and Hall of Medford, are joined.

Petition of Paul Dudley, and others.

In SENATE.

Read and committed to the committee on turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of Consider Cole, Sylvanus Sampson, and others.

In SENATE, Jan. 18, 1808.

Read and committed to the committee on Towns.

Sent down for concurrence.

Read and concurred.

Petition of Lt. Col. Thomas Badger, and others, for an alteration of the organization of the Boston Brigade.

In SENATE.

Read and committed to the committee having under consideration the Militia Laws.

Sent down for concurrence.

Read and concurred.

Resolve respecting printing the Colony Laws.

In SENATE, January 18, 1808.

Read and concurred, with an amendment at A.

Sent down for concurrence.

Read and concurred.

Remonstrance of the town of Frankfort, against removing the Courts from Castine to Buckstown.

Read and committed to the committee of both Houses, having under consideration the petitions of sundry inhabitants of Hancock County, for removing the Courts of Hancock from Castine to Buckstown.

Sent up for concurrence.

Resolve for reprinting the Laws of the three last sessions.

In SENATE, Jan. 18, 1808.

Read and concurred, with amendments at A, B, C, and D.

Sent down for concurrence.

Read and concurred.

Agreeably to assignment the House proceeded to consider the bill "to prevent fraud and deception in curing and packing

Smoked Fish ; and to regulate the size and quality of the boxes, and the exportation thereof from this Commonwealth."

This bill is read a second and third time ; is amended in several parts ; and passed to be engrossed.

Sent up for concurrence.

Report on Petition of J. L. Austin and others, and Leonard Jarvis and others, praying for a Poll Parish in Cambridge.

In SENATE, Jan. 19, 1808.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Report on petition of Peter Perry and others, of West Stockbridge.

In SENATE, January 19, 1808.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Returned order of notice on petition of Benjamin Hall.

In SENATE, Jan. 19, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Returned order of notice on the petition of Gideon O'Brien.

In SENATE, Jan. 19, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Committee on the petition of Gorham Lovell and others, inhabitants of Barnstable and Yarmouth.

Report an order of notice.

In SENATE, Jan. 19, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

A report and bill drafted by the hon. Theodore Sedgwick, and Jonathan Smith, jun. Esq's. two of the committee appointed at the last session, on the subject of Roads.

In SENATE, Jan. 19, 1808.

Read and committed to Messrs. Starkweather and Howe, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Wheaton, of Norton, Tolman of Dorchester, and Moody, of Saco, are joined.

Capt. Martin of the committee to whom was referred the memorial of the Selectmen of Boston, covering a paper purporting to be a petition signed by a number of distressed seamen, praying for assistance ; offers the report of the committee containing a statement of the facts in the case, as follows :

“ The committee to whom was committed the memorial of a number of seamen, to the selectmen of the town of Boston—also a letter covering the same from the selectmen, and by them presented through their Representatives to this House, have attended that service, and ask leave to *report*, that they proposed to meet the said seamen at Faneuil-Hall, but it was requested by some of the gentlemen, not to meet them all. Your committee then named twenty five of the memorialists, and not less, as a committee to meet your committee on Friday the 15th inst. at 3 o'clock, P. M.—Your committee attended at said time and place, and found six only of the memorialists present, namely, *John White*, of Philadelphia, aged 40 years—*Charles Lilley*, of Eastport, (District of Maine) aged 25 years—*John Hayman*, of Danvers, (in the county of Essex) aged 22—*John Hoar*, of Virginia, aged 24—*Jefferson Griffith*, of Baltimore, aged 25—*James Ackers*, of Virginia, aged 24.

There were three others that appeared, who had not signed the memorial. Your committee considered that they had no further authority, than to examine the said memorialists, and report a state of facts, which appears to be as follows, as to three of the above mentioned men : *James Pease*, born in Salem, has a wife and four children living in Lynnfield ; that he had been in Boston four or five weeks. This was the only married man. *John White*, said he has three children in Philadelphia ; that he had sailed out of Boston five years, but did not know any one man of the memorialists, who were absent ; that he was discharged from the schooner *William*, Joseph Thrist, master, about

30th December, eight days before he signed the memorial.— These are the only men who have either wife or children. *John Hoar*, was discharged from the brig *Edward*, capt. Elliot, master, about 24th December. *John Hayman*, came from Salem, in the bark *Mary*, in December. *Jefferson Griffith*, was discharged from the ship *Aurora*, Isaac Rand, master, December 14th. *James Acker* was discharged from the ship *Eaton*, capt. Newman, 1st Jan. 1808. *John Hoar* says he did not sign the memorial himself, but that a person whom he did not know, signed for him ; neither did he know any of the others, whose names were signed by the same man, as appears on the memorial, being about eleven in number, and that he did not apply himself, but was asked by the said person, to let his name be put down. *Charles Lilley*, and *James Ackers*, did not sign themselves, neither did they know the person who signed for them—nor any of those whose names were signed by the same hand. It appears on the memorial that the same hand signed one third of the whole number. One of them further states, that the man appeared to be a gentleman ; that he sat in a house, where he did not belong, and as sailors passed by, he called them in and put down their names ; that he asked them to have their names put down, without their solicitation. After examining the six men who signed the memorial, (and the three who did not sign it) your committee read over to them the whole list of names, distinctly, requesting them, if they knew any one, to declare it ; and of the whole *one hundred and four*, in number, who did not appear, they knew only *five*—*two* of them belonged to Salem, one of them a blacksmith, one other was gone to sea four weeks ago, one other belonged to Kennebec, and the other was not to be found. It further appears, that the memorial was intended to be presented to their affluent fellow citizens, and not to this House. The gentlemen selectmen were present during the investigation. This being the result of the enquiry—your committee are of opinion, that the abovementioned papers ought to be returned to the selectmen, who caused them to be presented.

“NATHAN B. MARTIN, *Per Order.*”

The foregoing report is read and accepted ; and ordered to be printed. It is further ordered that the papers mentioned in the report be returned to the selectmen who caused them to be presented.

Adjourned till 10 o'clock tomorrow.

WEDNESDAY, *January 20, 1808.*

Met according to adjournment.

Petition of Silas Pepoon, with report thereon of a viewing committee.

In SENATE, January 19, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of T. Cushing, with report thereon of a viewing committee.

In SENATE, January 19, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Committee on petition of Wallis Little and others, report an order of notice, and a viewing committee.

In SENATE, January 19, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of Seth Paddelford and others, for the Boston South Street Bridge.

In SENATE, January 19, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Committee on petition of Porter Kimball and others, inhabitants of Fitchburg, report an order of notice.

In SENATE, January 19, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of David Scudder and others, of Barnstable, report an order of notice.

In SENATE, January 19, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Wm. Clapp, report an order of notice.

In SENATE, January 19, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of the Dorchester Turnpike Corporation, by Stephen Badlam, their agent.

In SENATE, January 19, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of Elijah Baker and others.

Read and committed to Messrs. Picket, Wheeler, and Barstow, with such as the hon. Senate may join.

Sent up for concurrence.

This petition had on the 5th Jan. been committed to a committee of this House only; but at the request of the committee, it is sent up for concurrence to the Senate for them to appoint a committee on their part on this subject, to be joined to the above named committee on the part of this House.

Petition of Theodore Sedgwick, praying for remuneration for prosecuting twenty five libels during the revolution, at the request of the late Attorney General, R. T. Paine, Esq. for which said Paine has never paid him.

Read and committed to Messrs. Smith of W. S. Welles of Boston, and Sibley of Sutton.

Petition of Nathaniel Chamberlain and others, inhabitants of Township No. 3, in the sixth range of Townships North of the Waldo Patent.

Read and committed to the committee of both Houses, having similar applications under consideration.

Sent up for concurrence.

Petition of Tristram Barnard, Crowell Hatch and others, for an annuity incorporation.

Read and committed to Messrs. Brown of B. Carr of Amesbury, and Cleveland of Salem.

Petition of Isaac Davis, and Wm. Brewer, Administrators of Benjamin Davis's estate.

Read and committed to Messrs. Goodwin of C. Sharp of Brookline, and Hayden of Braintree.

Petition of Abel Blood, Moses Town and others, of Township No. 3, in the sixth range north of the Waldo Patent.

Read and committed to the committee of both Houses, having similar applications under consideration.

Sent up for concurrence.

Petition of Luther Bruce.

Read and committed to the committee on similar applications, Messrs. Fisher, Jackson, and Goodwin.

Petition of Dorothy Bates, Luther Lazell and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of Zaccheus Bartlett and others, praying for the erection of the South Street Bridge.

In SENATE, January 19, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of Joseph Whitton and others, praying an alteration in the charter of the Housatonic Turnpike Corporation.

In SENATE, January 19, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of John Baxter, President, &c.

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Resolve, granting a sum of money to Col. Turner, for his ser-

vices in marking out a certain road in the District of Maine, by virtue of a resolve passed 20th June, 1807.

In SENATE, January 19, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Bill to incorporate a township, by the name of Ward Boylston, or West Boylston.

This bill having had three several readings in this House, passed to be engrossed, in concurrence with the Senate, with an amendment, viz.

Instead of the word "Ward," insert *West*.

Sent up for concurrence.

The House proceeded to the consideration, and third reading of a bill respecting the inspection of pickled fish, and altering the fees for inspecting menhaden.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Hon. Mr. Hill came with a message from the Senate, informing this House, that—

—*The Senate had opened, as a Court of Impeachment, this day at 11 o'clock, and had adjourned till Wednesday next, the 27th Jan. at 11 o'clock.*

"In SENATE, June 20, 1807.

"Ordered, That the hon. PEREZ MORTON, Esq. Speaker of the House of Representatives, with such as the hon. House may join, be a committee to consider the expediency of opening the sale of the Commonwealth's land in the District of Maine, and to report a system for disposing of said land, to the next session of the present General Court; and that they lay their accounts for any service they may perform in the premises before the committee on accounts for allowance.

"Sent down for concurrence.

"SAMUEL DANA, President."

"In the HOUSE of REPRESENTATIVES, June 18, 1807.

"Read and concurred, and the hon. Samuel Dana, Esq. President of the Senate, and Col. Charles Turner are joined.

"PEREZ MORTON, Speaker."

"In SENATE, June 20, 1807.

"Read and concurred, with an amendment, viz. dele 'Sam-

uel Dana, Esq. President of the Senate,' and insert Aaron Hill, Esq.

"Sent down for concurrence.

"SAMUEL DANA, *President.*"

"*In the House of REPRESENTATIVES, June 20, 1807.*

"Read and concurred.

"PEREZ MORTON, *Speaker.**

"The committee appointed to perform the services directed by the within resolve, have attended their duty therein, and after due consideration of the subject submitted to them, ask leave to report to the Legislature, two bills—one entitled, '*An act to establish a Land Office, under the direction of Commissioners for the sale and settlement of the Public Lands;*' the other entitled, '*An act to provide for the payment of the Public Debt of this Commonwealth;*' both of which are respectfully submitted to the consideration of the Legislature.

"PEREZ MORTON, *Per Order.*"

"January 6, 1808."

Mr. *Speaker* made the foregoing report, and read the two bills therein mentioned.

The first of said bills being now read a first time, Tuesday next, 26th of Jan. 11 o'clock, is assigned for its second reading.

The second of said bills being now read a first time, Wednesday next, 27th Jan. 11 o'clock, is assigned for its second reading.

Bill providing for the public worship of God.

Read once, and Tuesday next, 10 clock, assigned for second reading.

Resolve, granting to the town of Gloucester one half township of land, to enable them to repair their harbor.

This resolve was passed in the Senate at the last session, and sent down to this House for concurrence; in this House it was read, and its consideration was postponed to the present session,

And now it is read again and passed, in concurrence with the Senate.

Bill for incorporating the Rev. Mr. Hopkins and others, by the name of the Massachusetts Missionary Society.

Read a second time, and committed to Messrs. Crowninshield, Ripley, and Smith of W. S.

* See the Journal for the last session, page 157.

Mr. Ripley of Winslow, offers a motion, that this House agree to certain resolutions expressive of their approbation of, and confidence in the measures of the national administration ; which resolutions he read in his place, and had leave to lay on the table. Being read from the chair, the consideration thereof is postponed till Friday next, 11 o'clock.

Adjourned till Thursday, 10 o'clock.

THURSDAY, *January* 21, 1808.

Met according to adjournment.

Bill in addition to an act entitled, " An act making provision for the repair and amendments of Highways," and for making further provision for the repair and railing of bridges and causeways.

Read a second time, and on the question, " shall this bill have a third reading," it passed in the negative.

Petition, and returned order of notice, on petition of John Hays.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of John Thorn.

Read and committed to Gen. Spur, Col. Apthorp, and Maj. Ulmer.

Petition of an association called, *the Mechanic Society in Newburyport*, signed by Theo. Bradbury and others.

Read and committed to Col. Hathorne, Col. Bradlee of Lee, and Doct. Godfrey of Taunton.

Petition of Joseph Obrien and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of the Petersham and Munson Turnpike Corporation, by Joel Norcross, proprietor's clerk.

Read and committed to Messrs. Flagg, Smith of B. and Tucker of Milton.

Petition of Ephraim Perkins and others, in behalf of the first Congregational Society in Becket.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Memorial of Aaron Hobart and others, agents, &c.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of Ebenezer Howe and others.

Read and committed to Messrs. Osgood, Granger, and Gurney.

Committee on petition of G. Obrien, report leave to bring in a bill.

In SENATE.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Returned petition and order of notice, issued at the last session, a petition of O. W. Carleton.

In SENATE.

Read and committed to the committee on Towns.

Sent down for concurrence.

Read and concurred.

Petition of Nahum Mitchell and others, in aid of petition of E. Parsons and others, for South Street Bridge.

In SENATE.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Petition, and returned order of notice on petition of Henry North and others.

In SENATE, January 20, 1808.

Read and committed to the committee on Towns.

Sent down for concurrence.

Read and concurred.

Petition of Anice Tupper and others.

Read and committed to the committee on Towns.

Sent up for concurrence.

Petition of Benjamin Bebee and others, in cooperation with Ebenezer Parsons and others.

In SENATE.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of Richard Derby, for a change of his name.

Read and committed to the committee on Names.

Committee on petition of Wm. Stoddard, report a resolve.

Read and passed.

Sent up for concurrence.

Committee on petition of Joseph Wales, report a resolve.

Read and committed to Messrs. McFarland, Brown of B. and Fisher.

Committee on petition of the town of Newry, report a resolve.

Read and passed.

Sent up for concurrence.

Committee on the petition of Mary Boynton and others, of Eastport, report leave to withdraw.

Accepted—and ordered accordingly.

Committee on the petition of Samuel Grant, report a resolve, granting him a pension of seventy five dollars annually.

Read and passed.

Sent up for concurrence.

Petition of J. L. Austin and others.

Read and committed to the committee on Turnpikes, &c.

Sent up for concurrence.

Petition of Josiah Fuller, Solomon Flagg and others.

Read and committed to the committee on Turnpikes, &c.

Sent up for concurrence.

Remonstrances from the towns of Trenton, Ellsworth, Sullivan, Isleborough, Eden, Surry, Bluehill, Gouldsboro', Sedgwick, Deer Isle, Plantations No. 8 and 9 adjacent to Sullivan, and Moses Hodsdon and others, inhabitants of certain unincorporated townships in the county of Hancock, northwest of Bangor, against a petition of sundry inhabitants of said county for a removal of the courts from Castine to Buckstown—

—All committed to the joint committee of both Houses, having under consideration the petition of sundry inhabitants of the county of Hancock, for the removal of the courts in Hancock county, from Castine to Buckstown.

Sent up for concurrence.

The committee of both Houses on the petition of Abner Chapman and others, report that the Petitioners have leave to withdraw.

In SENATE, January 20, 1808.

Read and accepted.

Sent down for concurrence.

Read and non concurred; and ordered that the Petitioners have leave to bring in a bill.

Sent up for concurrence.

Adjourned to Friday, 10 o'clock.

FRIDAY, January 22, 1808.

Met according to adjournment.

Petition of Timothy Dix, jun. proprietor of a tract of land in New Hampshire, praying leave to sell tickets in this Commonwealth, to enable him to make a road through "*the Notch*," so called.

In SENATE, January 21, 1808.

Read and committed to Messrs. Phillips of E. and Hubbard, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Goodwin of C. Jones of B. and Hildreth of D. are joined.

Committee on petition of Wallis Little, report leave to bring in a bill.

In SENATE, Jan. 21, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Mr. Titcomb, a member from Portland, (whose return was produced on the 27th May last) appeared in this House, and Col. Hathorne was appointed to attend him before the Governor and Council to be qualified.

Col. Hathorne returned from that service and made report ; and the Speaker announced Mr. Titcomb as a duly qualified member of this House.

Committee on petition of Aquilla Moffatt and others.

Report an order of notice.

In SENATE, Jan. 21, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Stephen Jones and others.

Report an order of notice.

In SENATE, Jan. 21, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Silvanus Sampson and others.

Report an order of notice.

In SENATE, Jan. 21, 1808.

Read and passed.

Sent down for concurrences.

Read and concurred.

Committee on petition of Silas Pepoon and others.

Report leave to bring in a bill.

In SENATE, Jan. 21, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

A communication was received from the Quarter Master General, covering an estimate of money necessary for the ensuing year, in his department, as follows :

To the hon. Senate and the hon. House of Representatives of the Commonwealth of Massachusetts.

MAY IT PLEASE YOUR HONORS,

The Quarter Master General begs leave to represent to the hon. General Court, that his accounts for the expenditure of public money, in his department, are drawn, and the vouchers numbered in proper order for a settlement.

He requests the General Court to take such measures as will discharge him from the several sums of money he has received by warrants on the Treasurer of this Commonwealth, or otherwise, so far as he accounts for the expenditure, and grant him such compensation for his services, as may be thought just and adequate.

He further begs leave to enclose an estimate of the sums necessary to execute the orders of the government, for the year 1808. All of which are humbly submitted, by

Their obedient humble servant,

AMASA DAVIS, *Q. M. Gen.*

Quarter Master General's Office, Jan. 21, 1808.

Read and committed to Gen. Eaton, Mr. Harris of Charlestown, and Gen. Spurr, with such as the hon. Senate may join.

Sent up for concurrence.

Ordered, That Messrs. Ripley, Moody of Saco, and Murray, be a committee to examine and see whether any, and if any, what alterations or explanations are necessary to be made in the act passed Feb. 21, 1785, entitled "An Act regulating Prisons within this Commonwealth ;" with leave to report by bill or otherwise.

Ordered, That Messrs. Story, Davis, and Ripley, be a committee to consider whether any regulations are necessary to be

made respecting arrests and attachments on mesne process, with leave to report by bill.

Committee on petition of the Newburyport Mechanic Society, report leave to bring in a bill.

Read and not accepted.

Ordered, That the Secretary furnish this House with the annual returns of the several Banking Companies in this Commonwealth, for the current year.

Committee on petition of Ephraim Bruce,

Report a resolve in his favor.

Read and passed.

Sent up for concurrence.

Ordered, That the messenger, whenever any printed bills, or other printed papers, are brought into the House for the use of the members, shall hand a copy to each member in his place.

In conformity to the report of the committee on Finance—Messrs. Harris, Phillips, and Kneeland, are appointed a committee to apportion and assess on this Commonwealth, in the usual mode, the sum of one hundred and thirty three thousand three hundred and two dollars and fifty two cents.

Committee on petition of Nahum Waite, and Alpheus Davis, Report a resolve.

Read and passed.

Sent up for concurrence.

Committee on petition of the overseers of the poor in the town of Bristol, signed Robert Huston and others.

Report leave to withdraw.

Accepted and ordered.

Petition of the Society for propagating the Gospel, signed Wm. Phillips, J. Davis, J. Morse.

Read and committed to Messrs. Goodwin, Foxcroft, and Hall, of B.

Petition of Samuel Page, for an alteration of his name.

Read and committed to the committee on Names.

According to assignment the House proceeded to the second reading, and consideration of the bill, (which was read for the first time on the 19th Jan.) entitled "an act for the due regulation of Licensed Houses, and repealing all laws heretofore made for that purpose"—and on the question, shall this bill have a third reading, it is decided in the negative—93 for it—117 against it—210 whole number.

According to assignment the House proceeded to the consideration of the motion offered by Mr. Ripley of Winslow, that the legislature of Massachusetts adopt certain Resolutions expressive of confidence in the national administration. On motion, the further consideration thereof was postponed till Wednesday, the 27th of Jan. at 11 o'clock, A. M.

A motion is made by Mr. Thomas, that the House pass an order that the clerk issue a summons as soon as may be, requiring F. L. B. Goodwin, Esq. to appear before this General Court on Thursday, the 25th Feb. next, to render an account of his doings during his agency as superintendant of the Penobscot tribe of Indians.

After debate this motion is committed to Messrs. Thomas, Welles, and Holman, to consider and report thereon—and they are enjoined to sit forthwith.

Adjourned till 10 o'clock tomorrow.

SATURDAY, *January* 23, 1808.

Met according to adjournment.

Petition of John Farley and others, praying that the Supreme Judicial Court may be holden by three Judges at least.

Read and committed to Messrs. Bacon of Stockbridge, Moody of Saco, Bigelow of Leominster, Crowninshield of Salem, and M'Farland of Hopkinton.

Petition of Oliver Shead and John Dickinson, praying for the building of a jail in Eastport.

Read and committed to Messrs. Hempton of Hamden, Bicknell of Frankfort, and Thomas of Bangor.

Petition of Silvanus Lazell, Treasurer, in behalf of the New Bedford and Bridgwater Turnpike Corporation, praying leave to alter the present location of their toll gates.

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Petition of John Wood.

Read and committed to the committee on Turnpikes, &c.

Sent up for concurrence.

Petition of Lewis F. Delesdernier.

Read and committed to Messrs. Vinal of Vinal Haven, Titcomb of Portland, and M^rFarland of Hopkinton.

In SENATE, January 22, 1808.

Ordered, *That the hon. Messrs. Hill and Spooner, with such as the hon. House may join, be a committee to consider whether it is expedient to take any further order respecting the distribution of the copies of the Laws of this State, the Laws of the United States, and any such maps of this Commonwealth, and the District of Maine, as are not already disposed of.*

Sent down for concurrence.

Read and concurred, and Messrs. Hathorne, Osgood, and Endicott are joined.

The House proceeded to take into consideration the bill "for establishing a State Bank"—

—And dispensed with the assignment thereof, for Tuesday the 26th inst. which had been heretofore made, so far as to read said bill at this time. After being once read and debated, the further consideration thereof is postponed till Tuesday, the 26th Jan. 11 o'clock.

On petition of J. B. Varnum and others, the order of notice and report of a viewing committee, appointed at the last session, is now—

In SENATE, January 23, 1808,

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

On petition of Jonathan Bixby and others, the committee report an order of notice.

In SENATE, January 23, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

On petition of Wm. Eaton and others, the committee report an order of notice, and the appointment of a viewing committee.

In SENATE, January 23, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of Noah Terrill and others.

In SENATE, January 23, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Report of H. G. Balch, agent, &c.

In SENATE, January 23, 1808.

Read and committed to the committee of both Houses, having under consideration his Excellency's communication, respecting the Penobscot Indians.

Sent down for concurrence.

Read and concurred.

On the petition of Luther Pierce and others, the committee report an order of notice.

In SENATE, January 22, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of Abner Morse and others.

In SENATE, January 22, 1808.

Read, and

Ordered, That the prayer be so far granted, that the hon. Mr. H. M'Lellan, Messrs. Abraham Brown and Elkanah French, be a committee, at the expense of the petitioners, to repair to the said precinct, view the territory, hear the parties, and report to the first session of the next General Court, first giving due notice to all parties interested.

Sent down for concurrence.

Read and concurred.

Memorial from South Parish, in Augusta.

In SENATE, January 22, 1808.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Resolve for the distribution of the Laws of the United States.

In SENATE, January 22, 1808.

Sent down for concurrence.

Read and concurred.

Petition, &c. of Asher Spaulding and others.

In SENATE, January 22, 1808.

Read and committed to the committee on New Trials.

Sent down for concurrence.

Read and concurred.

Petition, &c. of Josiah Rockwood and others.

In SENATE, January 22, 1808.

Read and committed to the committee on Towns.

Sent down for concurrence.

Read and concurred.

Petition of Prince Tobey.

Read and committed to the committee on Names.

The Secretary sent to the House nineteen returns from the Incorporated Banking Companies in this State.

Petition of Nat. Smith and others.

Read and committed to the committee on Turnpikes, &c.

Sent up for concurrence.

On petition of John Linn and others, the committee report an order of notice.

In SENATE, January 23, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

On petition of E. W. Ripley and others, the committee report leave to bring in a bill.

In SENATE, January 20, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

On petition of O. W. Carleton, the committee report leave to bring in a bill.

In SENATE, January 22, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Memorial from the Selectmen of the town of Augusta.

Read and committed to Messrs. Parsons, Holman, and Kneeland.

Petition of Phillip Colbey and others.

Read and committed to the committee on similar applications, viz. Messrs. Town, Hill, and King of the Senate, Messrs. Ripley, Moody, Carr, and Locke of this House.

Sent up for concurrence.

Adjourned to Monday, 25th, 11 o'clock.

MONDAY, January 25, 1808.

Met according to adjournment.

Additional bill, establishing the Petersham and Munson Turnpike Corporation.

Read a first and second time, and committed to Col. Flagg.

Petition of Oliver Smith and Seth Smith, guardians of Ebenezer Marsh, a spendthrift.

Read and committed to Messrs. Parsons of C. Eldred, and Smith of W. S.

Bill respecting the third parish in Beverly.

Read, and ordered to lie till further order.

☞ The Senate not yet having given leave to bring in a bill. ☞

Bill to establish the "Nashua Turnpike Corporation."

Read first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Committee on petition of Ruth Mayhew, report, that the petition be referred to the next General Court.

Bill regulating arrests and attachments on Messne Process.

Read first time, and Friday next, 29th Jan. 10 o'clock, assigned for second reading.

Ordered, That Messrs. Wade, Harris, and Titcomb, be a committee to consider, what proportion the towns of Brighton and West Cambridge shall respectively pay to a thousand dollars of the State tax, and report by way of resolve.

Ordered, That the same committee liquidate the proportion of tax between Ballstown and Jefferson in the same manner as between Brighton and W. Cambridge.

On motion of Mr. Harris,

Ordered, That Col. Wade and Mr. Hawes of N. B. be added to the committee appointed to apportion the State tax, of 132,302 dollars, and 52 cents, as ordered on Friday, 22d Jan.

The committee appointed on the 9th Jan. report a bill supplementary to the act for providing and regulating of prisons.

Read first time, and Friday 29th, 11 o'clock, assigned for second reading.

Bill incorporating the proprietors of Union Wharf in Salem.

Read first time, and tomorrow, 10 o'clock, assigned for second reading.

Bill to incorporate the proprietors of Lewiston Bridge, across Androscoggin river.

Read first time, and Thursday next, 11 o'clock, assigned for second reading.

Petition of Winslow Ames and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of John Anderson and others, all of Falmouth.

Read and committed to the committee on Parishes.

Sent up for concurrence.

The petition of Wm. Donnison is taken from the joint committee, and committed to Gen. Elliott, Maj. Ulmer, and Col. Flagg.

Petition of Robert Low, Samuel Oaks and others.

Read and committed to the committee on Interior Fisheries.

Sent up for concurrence.

Petition of Bangor, against removing the courts in Hancock county.

Read and committed to the committee having that subject under consideration.

Sent up for concurrence.

Petition of Edward Taylor of Montgomery.

Read and committed to Messrs. Parsons of C. Davis of B. and Dickinson of Machias.

Petition of the town of Dalton, by Calvin Waldo, and Abraham Porter, committee of said town.

Read and committed to the committee on the State Tax.

Petition of Stephen Carle and others.

Read and committed to Messrs. Thomas of Bangor, Gage of Augusta, and Moody of Hallowell.

Committee on petition of Tristram Barnard, Crowell Hatch and others, for an annuity fund, report leave to bring in a bill.

Accepted.

The House, notwithstanding their vote assigning Tuesday next, (tomorrow) 11 o'clock, for the second reading of the several judiciary bills, do *now* enter on the consideration of the bill, "supplementary to the act, establishing a Supreme Judicial Court."

The bill being read, the Speaker, on enquiry of Capt. Prince of Marblehead, declared that this must be deemed a further consideration of the bill, as if it were in the first reading.

After debate,

Voted, To postpone the further consideration of the said bill until tomorrow, 11 o'clock, according to the assignment thereof, made on the 16th instant.

The House then entered on the consideration of the bill "supplementary to an act, for enlarging the jurisdiction of the Courts of Common Pleas, and other purposes."

Said bill is read by the Speaker, and declared to be in the first reading. After debate on the bill,

The House adjourned till tomorrow morning, 10 o'clock.

TUESDAY, *January* 26, 1808.

Met according to adjournment.

A bill, entitled an Act to establish the Nashua Turnpike Corporation.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

An additional act in favor of the Petersham and Monson Turnpike Corporation.

Read first and second time, and Wednesday, 11 o'clock, assigned for third reading.

Mr. Little of Newburyport, and Mr. Parsons of Chesterfield, offered reasons for not attending during the six first days of the session, which were deemed sufficient, by the vote of the House.

Petition of Francis Cutts and others, proprietors of a new Meeting House in Saco.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Bill establishing the Salem Union Wharf Corporation.

Read a second time, and Wednesday, 10 o'clock, assigned for third reading.

Petition of the Justices of the county of Bristol, praying for a tax of 2000 dollars to be assessed upon them.

[It not being accompanied with a certificate from the county Treasurer, it is ordered to lie on the table till further order.]

Petition of Thomas Tisdale.

Read and committed to the committee on Towns.

Sent up for concurrence.

Petition of Abraham Pray.

Read and committed to the committee on New Trials.

Sent up for concurrence.

Petition of Zephaniah Jones and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of Ebenezer Porr, jun. and others.

Read and committed to Messrs. Eager of Westfield, Chandler of Concord, and Chenery of Medfield.

Petition of Aaron Davis and others, the proprietors of the Roxbury Canal, against the granting of the prayer of Ebenezer Parsons and others, for a Bridge from South Street in Boston, to South Boston.

Read and committed to the committee on Turnpikes, Bridges and Canals.

Sent up for concurrence.

Petition of Timothy Walker and others, praying an alteration of the law establishing an Inspection of Hops.

Read and committed to the committee on similar applications, viz. Messrs. Whittier of Belfast, Butterfield of W. Cambridge, and Barstow of W. Stockbridge.

Petition of Theodore Lincoln, agent to the Passamaquoddy Indians.

Read and committed to Messrs. Shead, Rice, and Larrabee.

Petition of John Bowman, and Hannah Bowman, his wife.

Read and committed to Messrs. Foxcroft, Locke, and Nichols.

Petition of John Kempton and others.

Read and committed to the committee on similar applications, viz. Messrs. Town, King, Hill, Ripley, Moody, Carr, and Locke.

Sent up for concurrence.

Petition of Samuel Chickering, administrator of Dorcas Chickering.

Read and committed to Messrs. Bangs, Davis, and Granger.

Bill to declare the river Aroostook, in the District of Maine, to be a public highway.

Read a first time, and Wednesday, 10 o'clock, assigned for second reading.

Petition of John Couch.

Read and committed to the committee of both Houses having similar applications under consideration, viz. Messrs. Town, King, and Hill of the Senate ; Messrs. Ripley, Carr, Moody, and Locke of the House.

Sent up for concurrence.

The House proceeded to the consideration of the Judiciary System, according to assignment made on Saturday, 16th Jan.

The Speaker read, as in its second reading, the bill "supplementary to an act, entitled, an act establishing a Supreme Judicial Court within the Commonwealth."

After debate, the question was put, "*shall this bill pass to a third reading*"?—and it was decided in the negative—For it 53—against it 142—195 present.

Adjourned till tomorrow, 10 o'clock.

WEDNESDAY, January 27, 1808.

Met according to adjournment.

Committee on petition of Timothy Dix, praying permission to sell New Hampshire lottery tickets in this State—report a resolve.

In SENATE, January 26, 1808.

Read and passed.

Sent down for concurrence.

Read and ordered to lie for half an hour. It is then again read and concurred.

Petition of William Parsons, of the district of Alfred, and order of notice returned.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of Eastman Hutchings and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of Josiah Willis.

In SENATE.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Petition of William Blanchard, of Wilmington.

Read and committed to Messrs. Ripley, Stowell, and M'Intire, with such as the hon. Senate may join.

Sent up for concurrence.

Bill respecting the third parish in Beverly, was on motion read ; but as the Senate have not given leave to bring in a bill, the Speaker decided that it was not in order to enter on the consideration of said bill at this time.

Mr. Smith was directed to wait on the hon. Senate and inform them, that accommodations will be made in this House for the Senate, when sitting as a Court of Impeachment ; if the Senate signify that it will be agreeable to them to accept of the offer.

Ordered, That Col. Brown of Monson, Mr. Carr of Orrington, and Mr. Bridge of Charlestown, with such as the hon. Senate may join, be a committee to take into consideration the expediency of making provision by law, to authorize the Governor with the advice of Council, to grant pardons, with such conditions as they in their wisdom may think best ; and report by bill or otherwise.

Sent up for concurrence.

The committee on Engrossed Bills report, as duly engrossed, "an act to incorporate a part of the towns of Boylston, Holden and Sterling, into a separate town by the name of West Boylston."

It thereupon is passed to be enacted.

Hon. Mr. Phillips came with a message from the Senate informing this House—

"That the Senate had this day resolved themselves into a Court of Impeachment ; that Moses Copeland, Esq. appeared, and made answer to the articles of Impeachment exhibited against him ; that they have adjourned until half past 12 o'clock this day ; and that seats will be provided in the Senate for the accommodation of the managers appointed by this House."

He then withdrew.

Agreeably to assignment the House proceeded to the consideration of a motion made by Mr. Ripley, on Wednesday the 20th of January, which was then postponed till Friday the 22d, and from thence till the present day :—That this House agree to certain resolutions expressive of approbation of, and confidence in, the measures of the national administration.

And now, after debate, a motion is made and seconded, that the further consideration of those resolutions be further postponed until Friday next, 3d February, 11 o'clock.

Which motion for postponement was decided in the negative—Yeas 76—Nays 163.

The yeas and nays on this question, having been required by thirty one members ; the question was determined in that manner.

Those who voted in the affirmative are—

Suffolk—William Smith,
William Brown,
Jonathan Hunnewell,
John Welles,
William Phillips,
John Winslow,
Francis Wright,
Stephen Codman,
Redford Webster,
Simon Elliot, (*Boston*)

Suffolk—Benjamin Russell,
Daniel Sargent,
Thomas W. Sumner,
James Lloyd, jun.
John Callender,
Benjamin Goddard,
Benjamin Whitman,
Thomas Danforth,
Charles Davis.

- Essex*—Joseph Winn,
Nathan Felton,
Thomas Davis,
Nathaniel Wade,
Thomas Gage, jun.
Josiah Little,
Mark Fitz,
Edward Little,
Nathaniel Hammond,
- Middlesex*—Nathaniel Hall,
Ebenezer Hobbs,
Timothy Wakefield,
Joseph Locke,
- Hampshire*—William Eaton,
Eliakim Phelps,
Charles Phelps,
Ruggles Woodbridge,
Solomon Stoddard,
Thaddeus Clap,
Benjamin Parsons,
David Smith,
- Plymouth*—Ephraim Spooner,
Nathaniel Goodwin,
John Faunce,
- Bristol*—Laban Wheaton,
- Barnstable*—Elisha Doane,
Judah Paddock,
- Worcester*—Oliver Plimpton,
Abijah Davis,
Ezra Wood, jun.
- Worcester*—Jonah Howe,
James Keyes,
James Longley,
William Drury,
Eli Stearns,
Silas Holman,
Israel Allen,
Joseph Bowman, jun.
Timothy Paige,
Jonas Whitney,
Abijah Bigelow,
William Whitney,
Jonathan Osgood,
Isaac Gregory,
- Berkshire*—Zenas Wheeler,
Jared Bradley,
George Conant,
- Norfolk*—Benjamin Hayden, jr.
Thomas Lothrop,
- Cumberland*—Joseph Titcomb,
William Jenks,
- Lincoln*—Samuel Thatcher,
- Kennebec*—Samuel Moody,
Samuel Wood,
John Hovey,
Bryce M'Lellan.
- Washington*—John Dickinson.
- Yeas 76.

Those who voted in the negative are—

- Essex*—John Hathorne,
William Cleveland,
Joshua Ward,
William Stearns,
Benja. Crowninshield, jun.
- Essex*—John Prince,
Nathan B. Martin,
Micajah Newhall,
Aaron Breed,
Ebenezer Hart,

- Essex*—William Pearce, jun.
 Thomas Kittredge,
 John Kneeland,
 Jonathan Webster,
 Christopher Sargent,
 James Smiley,
- Middlesex*—Thomas Harris,
 Matthew Bridge,
 David Goodwin,
 Richard Frothingham,
 Nathaniel Hawkins,
 Samuel Butterfield,
 Nathaniel P. Watson,
 Josiah Mason, jun.
 Jonathan Oakes,
 Abner Sanderson,
 Samuel Hoar,
 Nathan Chandler,
 William Hunt,
 Ephraim Whitcomb,
 John Loring,
 Jason Chamberlain,
 Joseph Chandler,
 Bill Russell,
 Samuel Jaques,
 William Simonds,
 William Adams,
 Ephraim Robbins,
 Jonas Brooks,
 Simon Hartwell,
 Thomas Fletcher, jun.
 Joseph Heald,
 Abner Adams,
 Israel Hildreth,
 Isaac Wright,
- Hampshire*—William Rindge,
 Josiah Cobb,
 Ashbel Eager,
 Jonathan Smith, jun.
 Abraham Granger,
 Martin Phelps,
- Plymouth*—Adam Fish,
 Nathaniel Clift,
 Isaac B. Barker,
 Bailey Hall,
 Samuel Pickins,
 Jesse Haskell,
 Nathan Gurney, jun.
 Charles Turner, jun.
 Enoch Collamore,
 Hawkes Fearing,
- Bristol*—Jones Godfrey,
 Elkanah French, jun.
 John Hathaway,
 Daniel Hale,
 Ebenezer Bacon,
 John Tisdale,
 John Hawes,
 Holder Slocum,
- Barnstable*—Ebenezer Lothrop,
 John Freeman,
 Benjamin Percival,
 David Nye,
 Braddock Dimmock,
 Benjamin Bangs,
- Dukes County*—Tho. Cooke, jr.
 John Davis,
- Worcester*—Samuel Flagg,
 Edward Bangs,
 Ephraim Mower,
 Joseph Field,
 Samuel Robinson,
 Samuel Jones,
 Jonas Sibley,
 Eleazer Leland,
 Nathan Fisher,
 Jonathan Weatherby,
 Elijah Caldwell,
 John M'Clanathan,
 Edmund Cushing,
 Samuel Gibson,

Berkshire—John Picket,
John Nichols,
James Baldwin,
John Bacon,
Samuel Barstow,
Josiah Newell,
Simeon Griswold,
John Churchill,
William Young,
Elisha Wells,

Norfolk—Joseph Heath,
William Brewer,
Elisha Whitney,
Ralph Smith,
Ezekiel Tolman,
Phineas Holden,
John Endicott,
Samuel H. Dean,
Isaac Bullard,
Daniel Ware,
David Tucker,
Christopher Webb,
Thomas French,
Lemuel Gay,
Samuel Day,
Benjamin Shepard,
Daniel Thurber,

York—Alexander M'Intire,
Alexander Rice,
Nathaniel Conant, jr.
Joseph Atkinson,
James Kettel,
Joseph Woodman,
William Moody,

Cumberland—John Jones,
James Morrill,
Benjamin Larrabee,
George Hight,

Cumberland—Asher Hinds,
Ithamar Spauldin,
Zachariah Norton,
Robert Given,
Joseph E. Foxcroft,

Lincoln—Moses Carlton, jun.
Moses Carlton,
David Murray,
Simon Elliot, (*Bristol*)
James Perkins,
Moses Wheaton,
Farnham Hall,
Edward Jones,
John Neal,

Kennebeck—Joshua Gage,
Samuel Jewett,
Simon Dearborn, jun.
Luther Robbins,
Moses Carr,
Thomas Eldred,
Eleazer W. Ripley,

Hancock—Oliver Mann,
Caleb B. Hall,
Francis Carr,
William Vinal,
Ebenezer Frye,
Philip Ulmer,
Abner Bicknel,
Seth Kempton,
James Thomas,

Oxford—Elias Stowell,
John M'Millan,
Eliphaz Chapman,

Washington—Oliver Shead.

A motion was then made at 4 o'clock, P. M. to postpone the further consideration of the said proposed resolutions till tomorrow, [Thursday] 11 o'clock, A. M. which motion was decided in the affirmative—139 for it—91 against it.

And the proposed resolutions are in the mean time committed to Messrs. Smith of W. S. Eaton, Crowninshield, Parsons of C. and Kittredge, to consider and report thereon, with the professed view, if possible, to make them acceptable to all.

Adjourned till Thursday, 10 o'clock.

THURSDAY, *January* 28, 1808.

Met according to adjournment.

“The committee on the petition of Jason Clap, report that the prayer of the petitioner be so far granted, as to allow the selectmen of Boston thirty days, to make such alteration in the street mentioned in the petition as they may think proper, by altering the location or discontinuing the same, as may seem best, and that leave be given to bring in a bill for that purpose.

“EPHRAIM MOWER, *By Order.*”

Accepted.

Petition of Ephraim Clark and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Remonstrance of B. H. Mace and others, of Lisbon, in the District of Maine, against the petition of Little River Plantation.

Read and committed to the committee on Towns.

Sent up for concurrence.

Petition of Thomas Harris, for a change of his name.

Read and committed to the committee on Names.

Remonstrance of Arnold Welles and others, against the petition of Eben. Parsons and others, for a bridge.

Read and committed to the committee on Turnpikes, &c.

Sent up for concurrence.

Petition of Alden Spooner and Roger Haskell, selectmen of New Bedford.

Read and committed to Messrs. Welles, Goodwin of C. and Slocum.

Petition of Thomas Cutts, and order of notice thereon.

In SENATE, January 27, 1808.

Read and committed to the committee on New Trials.

Sent down for concurrence.

Read and concurred.

Petition of Thomas Kittredge, agent of the north parish in Andover, praying that certain parsonage land may be sold.

Read and committed to Messrs. Stearns, Locke of B. and Whitney of R.

Petition of sundry Indians, of the Mashpee tribe.

Read and committed to Messrs. Moody of Saco, Smith of W. S. and Turner, with such as the hon. Senate may join.

Sent up for concurrence.

Remonstrance against said petition.

Read and committed to the same committee.

Petition of J. L. Austin, against the petition of Andrew Cragie, for a bridge.

Read and ordered to lie.

Petition of James W. Head and others, of the District of Maine, for the establishment of an Academy in the town of Warren.

Read and committed to Messrs. Whittier of Belfast, Os-good of Gardner, and Newhall of Lynn.

Petition of Benjamin Blackington, John Ulmer and others.

Read and committed to the committee of both Houses on similar applications, viz. Messrs. Town, Hill and King ; Ripley, Moody, Carr, and Locke.

Sent up for concurrence.

The committee appointed by this House, on the motion made by Mr. Thomas, on Friday 22d Jan. respecting F. L. B. Goodwin, Esq. report an order as follows, which is accepted and passed, viz.

"COMMONWEALTH OF MASSACHUSETTS.

"In the HOUSE of REPRESENTATIVES, June 28, 1808.

"Whereas, F. L. B. Goodwin, Esq. by a resolve of this General Court, passed June 18, 1803, was appointed superintendant of Indian affairs, for the Penobscot tribe; and whereas the said F. L. B. Goodwin, Esq. has not rendered an account of his doings, conformably to said resolve. Therefore—

"Ordered, That the said F. L. B. Goodwin, Esq. transmit, or cause to be transmitted, to this General Court, a true account of his doings in the aforesaid capacity, as superintendant of Indian affairs, for the Penobscot tribe, on or before Thursday, the 25th day of Feb. next, and that the Clerk of this House be directed to cause the said F. L. B. Goodwin, Esq. to be notified hereof, by causing an attested copy of this order to be transmitted him as soon as may be."

Sent up for concurrence.*

According to assignment, the House resumed the consideration of the resolutions proposed by Mr. Ripley, and the Speaker having called on the committee to make report, Mr. Smith, the chairman, declared that they had considered of the proposed resolutions committed to them, but could not agree to propose any alterations or amendments.

After debate, the question, "*will the house pass the resolutions as proposed by the gentleman from Winslow?*" was put, and decided in the affirmative. Yeas 178—Nays 81.

The yeas and nays on this question having been required by more than thirty one members, the question was determined in that manner.

Those who voted in the affirmative are—

<i>Essex</i> —John Hathorne,	<i>Essex</i> —Aaron Breed,
William Cleveland,	Ebenezer Hart,
Joshua Ward,	William Pearce, jun.
William Stearns,	Thomas Kittredge,
Joseph Winn,	John Kneeland,
Benja. Crowninshield, jun.	Jonathan Morrill,
John Prince,	Jonathan Webster,
Nathan B. Martin,	Christopher Sargent,
Micajah Newhall,	James Smiley,

* This order was concurred by the Senate, and the Clerk of the House, on the 29th Jan. inclosed an attested copy of it, directed to F. L. B. Goodwin, Esq. of Frankfort; and forwarded it by mail.

- Middlesex*—Thomas Harris, *Plymouth*—Gideon Barstow,
 Matthew Bridge, Jesse Haskell,
 David Goodwin, Nathan Gurney, jun.
 Richard Frothingham, Charles Turner, jun.
 Nathaniel Hawkins, Enoch Callamore,
 Samuel Butterfield, Hawkes Fearing,
 Nathaniel P. Watson,
 Josiah Mason, jun. *Bristol*—Jones Godfrey,
 Jonathan Oakes, Elkanah French, jun.
 Abner Saunderson, John Hathaway,
 Samuel Hoar, Clark Purington,
 Nathan Chandler, Daniel Hale,
 William Hunt, Ebenezer Bacon,
 Ephraim Whitcomb, John Tisdale,
 John Loring, Israel Washburn,
 Jason Chamberlain, John Hawes,
 Joseph Chandler, Holder Slocum,
 Bill Russell, Abraham Bowen,
 Samuel Jaques,
 William Simonds, *Barnstable*—Ebenezer Lothrop,
 William Adams, John Freeman,
 Ephraim Robbins, Benjamin Percival,
 Jonas Brooks, David Nye,
 Simon Hartwell, Braddock Dimmick,
 Thomas Fletcher, jun. Benjamin Bangs,
 Joseph Heald,
 Abner Adams, *Dukes County*—Tho. Cooke, jr.
 Israel Hildreth, John Davis.
 Isaac Wright.
- Nantucket*—Micajah Coffin,
- Hampshire*—William Rindge,
 Josiah Cobb,
 Ashbel Eager,
 Jonathan Smith, jun.
 Abraham Granger,
 Martin Phelps.
- Plymouth*—Adam Fish,
 Nathaniel Clift,
 Isaac B. Barker,
 Bailey Hall,
 Daniel Mitchell,
 Samuel Pickins,
- Worcester*—Samuel Flagg,
 Edward Bangs,
 Ephraim Mower,
 Joseph Field,
 Samuel Robinson,
 Samuel Jones,
 Jonas Sibley,
 Josiah Stiles,
 Eleazer Leland,
 Nathan Fisher,
 Jonathan Weatherby,
 Elijah Caldwell,

Worcester—John M'Clanathan, *York*—Joseph Woodman,
Edmund Cushing, William Moody,
Samuel Gibson,

Berkshire—John Picket,
Joseph Wilson,
John Nichols,
James Baldwin,
John Bacon,
Samuel Barstow,
Josiah Newell,
Simeon Griswold,
John Churchill,
Samuel H. Wheeler,
Elisha Wells,

Norfolk—Joseph Heath,
William Brewer,
Elisha Whitney,
Ralph Smith,
P. REZ MORTON,*
Ezekiel Tolman,
Phineas Holden,
John Endicott,
Samuel H. Dean,
Daniel Ware,
David Tucker,
Christopher Webb,
Thomas French,
Lemuel Gay,
Asa Kingsbury,
Samuel Day,
Benjamin Shepard,
Daniel Thurber,

York—Alexander M'Intire,
Alexander Rice,
Nathaniel Conant, jr.
Joseph Atkinson,
James Kettel,

Cumberland—John Jones,
James Morrill,
Benjamin Larrabee,
George Hight,
Asher Hinds,
Ithamar Spauldin,
Zachariah Norton,
Robert Given,
Joseph E. Foxcroft,
Samuel Andrews,

Lincoln—Moses Carlton, jun.
Moses Carlton,
David Murray,
Simon Elliot, (*Bristol*).
James Perkins,
Mason Wheaton,
Farnham Hall,
Edward Jones,
Peleg Talman,
John Neal,

Kennebeck—Joshua Gage,
Samuel Jewett,
Simon Dearborn, jun.
Luther Robbins,
John Hovey,
Moses Carr,
Thomas Eldred,
Eleazer W. Ripley,

Hancock—Oliver Mann,
Caleb B. Hall,
Francis Carr,
William Vinal,
Thomas Whittier,
Ebenezer Frye,

*The Speaker's name is here inserted by his direction.

Hancock—Philip Ulmer,
Abner Bicknel,
Seth Kempton,
James Thomas.

Oxford—Elias Stowell,
John M'Millan,
Eliphaz Chapman.

Washington—Oliver Shead.
Yeas 178.

Those who voted in the negative are—

Suffolk—William Smith,
William Brown,
Jonathan Hunnewell,
John Welles,
Edward Tuckerman, *Hampshire*—William Eaton,
William Phillips,
John Winslow,
Francis Wright,
Stephen Codman,
Redford Webster,
Simon Elliot, (*Boston*)
Benjamin Russell,
Daniel Sargent,
Thomas W. Sumner,
James Lloyd, jun.
John Callender,
Thomas K. Jones,
Benjamin Goddard,
Benjamin Whitman,
Thomas Danforth,
Charles Davis.

Middlesex—Ebenezer Hobbs,
Joseph Locke,
Joseph Moors.

Plymouth—Ephraim Spooner,
Nathaniel Goodwin,
John Faunce.

Bristol—Laban Wheaton.

Barnstable—Elisha Doane,
Judah Paddock.

Essex—Nathan Felton,
Thomas Davis,
Nathaniel Wade,
Thomas Gage, jun.
Josiah Little,
Mark Fitz,
Andrew Frothingham,
Edward Little,
John Pearson,
Nathaniel Hammond.

Worcester—Oliver Plimpton,
Abijah Davis,
Ezra Wood, jun.
Jonah Howe,
James Keyes,
James Longley,
William Drury,
Eli Stearns,
Silas Holman,
Israel Allen,
Joseph Bowman, jun.
Timothy Paige,

Middlesex—Nathaniel Hall,
Timothy Wakefield,

Worcester—Jonas Whitney,
Abijah Bigelow,
William Whitney,
Jonathan Osgood,
Isaac Gregory,
Nathaniel Chandler. *Cumberland*—Joseph Titcomb,
William Jenks,
Lothrop Lewis,
Bryce M'Lellan.
Lincoln—Samuel Thatcher.

Berkshire—Zenas Wheeler,
Jared Bradley. *Kennebec*—Samuel Moody,
Samuel Wood.

Norfolk—Benjamin Hayden, jr. Washington—John Dickinson.
Thomas Lothrop.

Nays 81.

“COMMONWEALTH OF MASSACHUSETTS.

“Whereas the pacific and impartial policy pursued by the government of the United States, in relation to the belligerent nations of Europe, appears at the present period to have no effect in exciting a fair and honest reciprocity in their conduct: And from the present aspect of our foreign relations, it being altogether uncertain how long the blessings of peace will continue to us: and as under circumstances of national exigency, an expression of approbating sentiment towards the national government, on the part of the individual States, becomes not only proper and expedient, but an important duty ;—

Therefore be it resolved, That the Legislature of Massachusetts, views with the highest approbation, the wise, dignified and energetic measures pursued by the government of the United States, in relation to the violation of our neutral rights, and more especially to the outrageous attack on the American frigate Chesapeake.

“ *Resolved*, That in the present state of our commercial relations, when the Proclamations and Decrees of the Belligerents of Europe impede the progress of our mercantile pursuits in almost every part of the world ; we consider the imposing of the Embargo a wise and highly expedient measure ; and from its impartial nature, calculated to secure to us the blessings of peace.

“Resolved, That in the convulsed state of the civilized world, when a war of exterminating aspect spreads its destructive consequences over nations remote from the scene of its immediate fury, and when the experience of former ages affords no assis-

tance in calculating its effects or duration ; we repose with the highest confidence in the wisdom and patriotism of the national government, to avert from us, if possible, the impending danger ; or in the event of encountering it—to direct our energies with a spirit and decision, becoming the rulers of *a free and sovereign people.*”

In the HOUSE of REPRESENTATIVES, January 28, 1808.

Read and passed.

Sent up for concurrence.

PEREZ MORTON, *Speaker.*

In SENATE, February 5, 1808.

Read and passed, in concurrence with the House.

SAMUEL DANA, *President.*

Adjourned till 10 o'clock, tomorrow.

FRIDAY, January 29, 1808.

Met according to adjournment.

Petition, and returned order of notice, on petition of selectmen of Duxbury.

In SENATE.

Read and committed to Messrs. Morton and Thurston, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Nye of Falmouth, Goodwin, and Fisher are joined.

Committee on petition of Asher Spaulding and others, report an order of notice.

In SENATE, January 27, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Ephraim Perkins and others, report an order of notice.

In SENATE, January 27, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of Wm. Blanchard, came back from the Senate concurred—with an amendment.

Read and concurred.

Petition of Benjamin Lincoln, respecting certain lands in the county of Washington.

In SENATE, January 29, 1808.

Read and committed to Messrs. Gore and Ulmer, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Kneeland, Callender, and Flagg are joined.

Petition of Nat. Smith and others, came down concurred with an amendment, viz :

Dele " committee on Turnpikes, and insert Messrs. Willis and Thurston, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Fisk, Gurney, and Fear-
ing are joined.

Committee on petition of Nat. Cross and others, report leave to bring in a bill.

In SENATE, January 26, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of the town of Northport and other persons, praying for the removal of the Courts in Hancock county, report leave to withdraw.

In SENATE, January 27, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Memorial from the Selectmen of Augusta, is taken from the committee of this House, and committed to Messrs. Parsons,

Holman, and Kneeland, with such as the hon. Senate may join ;
who are directed to consider the subject at large.

Sent up for concurrence.

Petition of Seth Turner and others.

In SENATE, January 28, 1808.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Petition of Peter Rowe and others.

In SENATE, January 26, 1808.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Petition of Thomas Shaw and others.

In SENATE, January 26, 1808.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Report on petition of Robert Ilsley and others.

In SENATE, January 27, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Remonstrance of Moses Little and others, against the petition
of Robert Ilsley and others.

Read and committed to the committee on Turnpikes, &c.

Sent up for concurrence.

Remonstrance of John Alger Milliken and others, against
the petition of Robert Ilsley, committee of the town of Scarboro'.

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Committee on petition of Peter Perry and others, report leave
to bring in a bill.

In SENATE, January 26, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of Edmund Woodman, praying that usury, and the *present* banks may be discountenanced.

Read and ordered to lie.

Mr. Lloyd is excused from serving on the committee appointed to consider the application of Vermont for amending the national constitution, and Mr. Wheaton is substituted.

Mr. Lloyd is excused from serving on the committee respecting Insurance Companies, and Mr. Codman is substituted.

Mr. Bangs is substituted in the room of Mr. Story, on the Vermont resolutions.

Petition of the proprietors of India Wharf.

Read and committed to Messrs. Thatcher of Warren, Ripley of Winslow, and Winn of Salem.

Petition of Abraham Russell and others.

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Committee to whom was committed the bill for establishing a society by the name of the Massachusetts Missionary Society, report sundry amendments which are adopted at A. B. C. D. and E.

In SENATE, June 13, 1807.

Passed to be engrossed.

Sent down for concurrence.

Read and concurred with amendments at A. B. C. D. and E.

Sent up for concurrence.

Committee on petition of Elijah Owen and others, inhabitants of Loudon, Blanford, and Grenville, report an order of notice.

In SENATE, January 27, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of Thaddeus Whipple and others, selectmen of Grafton.

Read and committed, with the papers accompanying it to Messrs. Whitman of Boston, Fisher of Westboro', and Brewer of Roxbury.

The bill which was sent up from this House to the Senate, on the 20th Jan. for their concurrence, "in addition to the several acts to prevent fraud and deception in packing of pickled fish, &c." is now sent down *non concurred*—

Whereupon it is read again; and this House adhere to their own vote; and order, that Messrs. Purinton, Vinal, and Shead, with such as the hon. Senate may join, be a committee to confer on the subject of difference between the two Houses, respecting this bill.

Sent up for concurrence.

A message from the Governor by Mr. Austin, the Secretary.

Mr. Speaker,

"I am directed by his Excellency the Governor to deliver to the hon. House of Representatives, those papers which contain a resolve lately passed by the hon. Senate and House in favor of Timothy Dix, jun. to allow him to set up a lottery in this Commonwealth, granted by the government of the state of New Hampshire: as also the papers and documents on which the same Resolve is predicated, pursuant to a message from the hon. House, the Governor not having acted upon it."

The Secretary delivered the papers, and withdrew.

Committee on petition of Chandler Freeman and others.

Report leave to bring in a bill.

In SENATE.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of William Russell and others, of Fryeburg.

In SENATE.

Read and committed to Messrs. Woodman and Heard, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Stowell of Paris, Frye of Northport, and Wood of Winthrop, are joined.

Petition of Nat. Dummer and others.

In SENATE.

Read and committed to Messrs. Spooner and King, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Moody, Thatcher, and Carr are joined.

Committee on petition of Aaron Hobart and others, report leave to bring in a bill.

In SENATE.

Read and accepted.

Sent down for concurrence.

Read and assigned for tomorrow, 10 o'clock.

Bill sent from this House for the concurrence of the Senate, for authorizing the establishment of an additional Registry of Deeds, in Washington county, at Houlton, came down concurred with amendments, at A, B, C, D, and E.

Sent down for concurrence.

Read and concurred.

Petition of Joseph Bradbury.

Read and committed to the committee on Parishes.

Sent up for concurrence.

The resolve in favor of Timothy Dix, jun. which was brought this day from the Council Chamber, by the Secretary, is read, and on motion of Mr. Ripley, the House reconsider their vote of concurrence with the Senate, in order to introduce an amendment, which may render the Petitioner responsible to this Commonwealth, for the manner in which he shall manage his proposed Lottery.

The amendment is adopted, by vote of the House.

The House thereupon concur with an amendment at A.

Sent up for concurrence.

Adjourned till tomorrow, 10 o'clock.

SATURDAY, January 30, 1808.

Met according to adjournment.

Committee on petition of Samuel Twisden, Abraham Wendell and others, heirs of Sarah Cooms, report leave to withdraw.

Accepted.

Mr. Lewis of Gorham, having procured certain evidence, requisite in the case of Olive R. Watts—her petition, which had been heretofore ordered to lie, was called up by Mr. Lewis—read and committed to Mr. Lewis.

Committee on petition of Samuel Chickering, report, “leave to withdraw.”

Accepted.

Committee on petition of Aaron Hobart and others, report leave to bring in a bill.

In SENATE.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Returned order of notice on petition of J. Hoyt and others.

In SENATE, January 29, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

On the bill respecting pickled fish, the Senate appoint Messrs. Titcomb, Freeman, and Gray, conferrees on the part of the Senate.

The bill (together with the Senate's doings thereon) is handed to Messrs. Purington, Vinal, and Shead, who had been appointed conferrees on the part of this House.

Bill to annex Peter Perry and others.

Read first and second time, and assigned for third reading.

Returned order of notice on petition of Wm. Stanwood.

In SENATE, January 29, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Committee on petition of Abraham Pray, report, “an order of notice.”

In SENATE, January 29, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve, to raise a company of Cavalry in Columbia.

In SENATE, January 29, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Bill from the Senate to incorporate Gideon Obrien and others, to erect a boom across Machias river.

In SENATE, January , 1808.

This bill having had two several readings, passed to be engrossed.

Sent down for concurrence.

Read first and second time, and Wednesday next, 11 o'clock, assigned for third reading.

Petition of Thomas Baldwin and others, praying to be incorporated by the name of "the Massachusetts Baptist Missionary Society."

Read and committed to Messrs. Goodwin of C. Wheaton of N. and Smith of W.

Petition of Thomas Gardner, a revolutionary soldier, praying leave to elect 200 acres of land, in lieu of 20 dollars, which he formerly elected to receive, but has not yet received, and now wishes not to receive.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

Petition of Gideon Ramsdell and eighty two others, praying to be incorporated into a religious society, by the name of "*the Methodist Society, in the town of Gray.*"

Read and committed to the committee on Parishes.

Sent up for concurrence.

Petition of Jonathan Hunt and others, for leave to build a toll bridge across Connecticut river, at Northfield.

Read and committed to the committee on Bridges, Turnpikes, and Canals.

Sent up for concurrence.

Petition of Joshua Follinsbee.

Read and committed to the committee on New Trials.

Sent up for concurrence.

The report of the conferrees, on the subject of difference of the two Houses, on a report of a joint committee, appointed in June last, on the petition of A. Cragie, concerning the controverted location of "*Canal Bridge*," is now

Read, and made the order of the day for Wednesday next, 11 o'clock.

Committee on petition of the selectmen of the town of New Bedford, report a resolve.

Read and passed.

Sent up for concurrence.

Petition of Ruthy Barker.

Read and committed to Messrs. Wheaton of N. Gay of S. and Davis of B.

Estimate and petition for a tax for the county of Berkshire.

Read and committed to the committee on similar applications.

Bill for incorporating the proprietors of Union Wharf in Salem.

Read and committed to the committee on Bills in the third reading; then read and passed to be engrossed.

Sent up for concurrence.

The House reconsider their vote, negating a third reading to the bill for regulating Licensed Houses.

It is thereupon committed to Messrs. Prince, Ulmer, and Dana.

Bill additional to the act establishing the Petersham and Munson Turnpike Corporation.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to establish the Lewiston Bridge.

Read and committed to Mr. Davis, who reports *instantly*.

It is then read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to declare the River Aroostook, in the District of Maine, a common highway.

Read a second time, and the question *shall this bill have a third reading ?* passed in the negative.

Resolve on petition of Ebenezer Howe and others.

Read and passed.

Sent up for concurrence.

Bill respecting public worship.

Read a second time, and committed to Maj. Jackson, Mr. Wheeler of Lanesborough, and Mr. Murray of Newcastle.

The member from Long Meadow appeared in the House ; the certificate of his election had been forwarded and found regular, in May last.

Mr. S. F. Dickinson, by order, attended him to the Governor and Council ; returned to the House and made report ; and the Speaker then announced him duly qualified.

Adjourned till Monday, 10 o'clock.

MONDAY, February 1, 1808.

Met according to adjournment.

Petition of the inhabitants of the town of Harwich, on Cape Cod.

Read and committed to Messrs. Wheeler of Lanesborough, Freeman of Sandwich, and Moody of Saco, with such as the hon. Senate may join.

Sent up for concurrence.

Committee on petition of Bartlett Holmes and others.

Report a resolve.

In SENATE.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve for paying the expenses of the Penobscot Indians on their visit to Boston, during this session.

In SENATE.

Read and passed.

Sent down for concurrence.

Read, and tomorrow 10 o'clock assigned for second reading.

Committee on petition of the agents of the first parish in New Bedford,

Report leave to bring in a bill.

In SENATE.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of Nathaniel Haskell and others.

In SENATE.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Committee on petition of Seth Turner and others.

Report an order of notice.

In SENATE, Jan. 30, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Silvanus Lazell,

Report an order of notice.

In SENATE, Jan. 30, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Remonstrance from Cape Elizabeth, and two other Remonstrances against the petition of Robert Ilsley and others, for permission to build a bridge near Portland.

In SENATE.

Read and committed to the committee on Turnpikes, &c.

Sent down for concurrence.

Read and concurred.

Committee on petition of Oliver Smith and Seth Smith,
Report a resolve.

Read and passed.

Sent up for concurrence.

Ordered, That Messrs. Slocum, Lewis of Gorham, and Carr of Orrington, be a committee to enquire into the expediency of enlarging the power of Justices of the Peace in civil actions ; to report by bill or otherwise.

Petition of John Allen, who purchased 2000 acres of land in Eddington Plantation, of the agents for the sale of Eastern Lands, praying a longer pay day.

Read and committed to Messrs. Carlton of Wiscasset, Dickinson of Amherst, and Shepard of W.

Bill for establishing an Annuity Fund Corporation—Tristram Barnard and others.

Read once, and Thursday next, 11 o'clock, assigned for a second reading ; and committed to Messrs. Prince of M. Cleveland of S. and Brown of B.—and to be printed at the expense of the petitioners.

Bill for establishing a *Land Office*, under the direction of commissioners for the sale and settlement of the public land.

Read a second time, and on the question "*shall this bill have a third reading ?*" the House decided in the negative. For it, 62—against it, 77. 139 present.

The House immediately reconsider the above vote—Commit the bill to Messrs. Ripley, Lewis, Smith of W. S. Parsons of C. Thomas of B. Moody of S. and Carr of O.—and next Friday, 11 o'clock, is assigned for its third reading.

The committee appointed, this day report a bill for enlarging the jurisdiction of the Justices of the Peace in civil actions.

Read a first time, and tomorrow 10 o'clock assigned for a second reading ; and committed to Messrs. Heath, Shepard, and Thatcher.

Committee on petition of Alfred Johnson, for an Academy at Belfast.

Report leave to bring in a bill.

Accepted.

Petition of Andrew Mock, for a change of his name.

Read and committed to the committee on that subject.

The House proceeded to the consideration of the bill supplementary to an act for enlarging the jurisdiction of the Courts of Common Pleas, and other purposes, which had been reported by the committee appointed at the last session on the Judiciary System ; of which committee Mr. Story was chairman.

The Speaker having read the title of this bill, and being about to read its enacting clauses—Mr. Whitman, one of the said committee on the Judiciary System, offered a bill entitled “an act establishing a judicial department,” which he asked and obtained permission to read in his place ; and did read accordingly. It being read, the House assigned Tuesday next, 10 o'clock, for the consideration of this recently proposed bill ; and ordered that it be printed in the meantime.

No further order, proceeding, or consideration took place on the bill, the title of which was last read by the Speaker.

Resolve for paying the expenses of the Penobscot Indians on their present visit.

Read a second time, and passed in concurrence with the Senate.

Resolve for paying Theodore Lincoln, Esq. guardian of the Passamaquoddy Indians.

Read and passed.

Sent up for concurrence.

Report on petition of J. T. Swan.

In SENATE, February 1, 1808.

Read and committed to the committee on Turnpikes, &c.

Sent down for concurrence.

Read and concurred.

Committee on returned order of notice on petition of Josiah Rockwood, report leave to bring in a bill.

In SENATE, January 22, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Aaron Porter, report leave to withdraw.

In SENATE, February 1, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Estimate of a tax for the county of York.

Read and committed to the committee on similar matters.

Petition of Thomas Sanderson and Justin Norton.

Read and committed to the committee on Towns.

Sent up for concurrence.

Committee on petition of Ruthy Barker, report leave to withdraw.

Accepted.

Estimate of a tax for the county of Kennebec.

Read and committed to the committee on similar matters.

Petition of the town of Hamden, by their agent, Seth Kempton.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

Adjourned till Tuesday, 10 o'clock.

TUESDAY, February 2, 1808.

Met according to adjournment.

Petition of Daniel Wood, Joshua Grant and others, of Shapleigh.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Remonstrance of the Boston Mill Corporation, by their agent, John Peck, against the petition of James Robinson and others.

Read and committed to Messrs. Bridge, Hunnewell, and Tolman of D.

The committee on engrossed bills, report as duly engrossed—

“An Act to prevent fraud and deception in packing smoaked fish.” Also,

“An Act to establish the Nashua Turnpike Corporation.”—
Also,

“An Act for dividing the county of Washington into two districts, for the purpose of registering deeds, and conveyances of land.”

All of which passed to be enacted.

Petition of Ephraim Gibbs and others, respecting School District No. 3, in Blanford.

Read and committed to Messrs. Wheeler of Lanesboro’,
Bangs of Harwich, Granger of Grenville.

Bill supplementary to the act providing for the regulating of Prisons—which was read once on the 25th Jan. (and assigned for Friday 29th Jan. 11 o’clock,) is now read a second time, and tomorrow, 12 o’clock, assigned for a third reading; and committed, in the mean time, to Mr. Moody and others.

Mr. Chapman, a member from Beverly, at his own request, has leave to take from the table the proposed bill, respecting a parish in Beverly, which bill was a few days since laid on the table by Mr. Chapman. The joint committee reported unfavorably to the Petitioners. The Senate accepted that report, and have not yet reconsidered *their vote, giving liberty to withdraw the petition, and denying liberty to bring in a bill.* The Speaker declared it to be not in order, under the present circumstances, for this House to consider any bill offered by the Petitioners. This House have non concurred the Senate, and given leave to bring in a bill, and sent their doings to the Senate for concurrence. The subject must subside until the Senate see fit to concur with the House.

Committee on petition of Ebenezer Poor, jun. report a resolve, for granting him 400 acres of land, on condition he opens a good road through the Commonwealth’s land, near the place in New Hampshire, called “*the Notch*,” where Timothy Dix, jun. has undertaken to open a road.

Recommitted.

Committee on petition of Olive Rindge Watts, (Widow and guardian of her Son) report a resolve.

Read and passed.

Sent up for concurrence.

Ordered, That Messrs. Slocum, Watson, and Tolman, be a committee to enquire of the Secretary, whether there be sufficient of the last edition of the bound laws, of Massachusetts, to supply one set to each of the members of the Court this year, who was not of the Court the last year.

The consideration of the "State Bank" bill, was postponed till tomorrow, o'clock.

Maj. Ulmer of Lincolnville, offered a motion in form of a bill; the purport of which was—That no Justice of the Peace be permitted hereafter, to sign any blank precept, to be filled by any person except himself.

Read and committed to Messrs. Slocum, Jackson, and Caldwell.

The House proceeded to consider the bill entitled, "An Act providing relief in equity;" which bill is one of those reported by the committee on "*the Judiciary System*," appointed at the last session.

The bill is read, as in its second reading.

And on the question, "shall this bill have a third reading?" It was decided in the negative.

Ordered, That Messrs. Davis, Mann, and Foxcroft, be a committee to take into consideration the expediency of adopting regulations to govern persons applying for changes of their names, to report by bill or otherwise.

Petition of Ebenezer Clark and others.

In SENATE, February 2, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of Abner Libbey and others, of Lemington.

In SENATE, February 2, 1808.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Remonstrances of Wm. Bartlett and others, Proprietors of the Essex Merrimack Bridge, against granting the prayer of

Joseph Hoyt and others, for leave to build a bridge between Amesbury and Salislury.

In SENATE, February 2, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Committee to whom was recommitted the petition and resolve in favor of Ebenezer Poor, report a resolve.

Read and passed.

Sent up for concurrence.

Mr. Bacon called for the order of the day on the report of the joint committee on the petition of George Williams and others, of Marlborough, praying an alteration in the parochial affairs of that town.

The committee of both Houses made a report for granting the petitioners leave to bring in a bill.

In SENATE, Jan. 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Stephen Carle and others, of Dixmont.

Report leave to withdraw.

Accepted.

Bill to set off Peter Perry and others, from a religious society in West Stockbridge, and annex them to the first baptist society in said town.

Read a third time, and passed to be engrossed, in concurrence with the Senate.

Petition of John Burnham and others.

Read and committed to the committee on Parishes.

Sent up for concurrence.

Adjourned till tomorrow, 10 o'clock.

WEDNESDAY, *February* 3, 1808.

Met according to adjournment.

Ordered, That Messrs. Ulmer and Foxcroft be added to the committee appointed at the last session to enquire what disposal shall be made of certain monies received as fees, now in the hands of J. Ruggles, Esq. and the deputies (who had been appointed by Stephen Bruce, Esq. inspector of beef and pork) at the time the present inspector, Joseph Ruggles, Esq. was appointed.

Bill to establish a Society in Portland by the name of *the third Congregational Society in Portland*.

Read a first and second time, and Friday 10 o'clock, assigned for a third reading.

Mr. Shead being absent, Col. Turner is put on the committee on the subject of lessening the fees on the inspection of Pickled Fish.

Bill to incorporate certain persons into a Religious Society by the name of *the West Parish in Marlborough*.

Read a first and second time, and Thursday 11 o'clock, assigned for a third reading—and committed to Messrs. Fisher, Cleveland and Shepard.

Committee on Engrossed Bills report as duly engrossed, "an act to incorporate a society by the name of the Massachusetts Missionary Society."

"An act in addition to an act to establish the Petersham and Munson Turnpike Corporation."

Both which passed to be enacted.

A bill (reported by Mr. Story of the committee appointed on Saturday, Jan. 7, on the subject of prisons and prisoners) supplementary to the several acts providing for and regulating prisons.

Read a first time, and made the order of the day, for 12 o'clock to day.

Committee on the bill for regulating Licensed Houses, report

the same with additional sections, which (together with sundry amendments) are adopted.

The bill was again read as in its 3d reading, and on the question, shall this bill be passed to be engrossed ? it was negatived.

At 12 o'clock, according to assignment made this morning, the House proceeded to the consideration of the bill supplemental to the several acts providing for and regulating prisons.

Read a second time and committed to Messrs. Stoddard, Ripley, and Cleveland.

Bill from the Senate to incorporate certain persons by the name of the Proprietors of the Machias Boom.

Read a third time and passed to be engrossed, in concurrence with the Senate.

Petition of Harvey Pebbles, in prison for having made an assault on a Deputy Sheriff in Hampshire county ; and stating himself to be miserably poor.

Read and committed to Messrs. Phelps of Chester, Cobb of W. and Dickinson of A.

The committee raised on Tuesday, 12th January, to enquire whether the several Brigade Inspectors have *actually inspected* the several town Magazines within the limits of the several Brigades, to which they are attached—

Made a report, accompanied with a statement of the names of those who have *made returns* to the Adj. General's office.

The report, &c. is recommitted to Mr. Brewer and others, to propose some remedy for the evils that now exist.

Remonstrance of Theodore Ingalls, Town Clerk of Middleton, against the petition of the town of Topsfield.

Read and committed to the committee on Interior Fisheries.
Sent up for concurrence.

Petition of Daniel Adams and others, cultivators of Hops in Townsend, praying for an alteration of the law providing for the inspection of hops.

Read and committed to the committee on like Petitions.

Adjourned till Thursday, 10 o'clock.

THURSDAY, *February* 4, 1808.

Met according to adjournment.

The certificate of John Hooker, Esq. being elected a representative of Springfield, was read, and Mr. Stoddard appointed to attend him to the Governor and Council.

Mr. Stoddard having returned and made report, the Speaker declared Mr. Hooker as duly qualified to take his seat in this House.

Committee on School District, No. 3, in Blandford, report leave to bring in a bill.

Accepted.

Bill to incorporate a number of the inhabitants of Abington and elsewhere, by the name of the Union Calvinistic Society.

Read first and second time, and tomorrow, 11 o'clock, assigned for third reading, and committed to Messrs. Hawes of N. B. Mitchell of N. Y. and Goodwin of C.

Committee on engrossed bills, report as duly engrossed.

A bill to annex Peter Perry and others, to the first Baptist Society in West Stockbridge. Also,

A bill to incorporate certain persons for the purpose of building a Bridge over Androscoggin river, at Lewiston, between the 20 mile Falls and the ferry way.

Both which passed to be enacted.

Mr. Jackson of the committee appointed on Saturday, 30th ultimo, to consider the bill in its third reading, respecting the public worship of God, report amendments, which are adopted.

The bill is then passed to be engrossed.

The House immediately reconsider this vote, and ordered that the bill be read again.

It being read accordingly, the question was put, *shall this bill pass to be engrossed?* and it was decided in the negative. For it, 102—Against it, 127. Whole number, 229.

Adjourned till Friday, 10 o'clock.

FRIDAY, *February* 5, 1808.

Met according to adjournment.

Petition of James Sproat, in behalf of Taunton and New Bedford Turnpike Corporation.

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Petition of Joseph Parsons and others, that a company of Cavalry may be raised in the 5th Regiment, 1st Brigade, and 6th Division.

Read and committed to the committee on like Petitions.

Petition of the 14th Massachusetts Turnpike Corporation, (Solomon Smead and others, Directors.)

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Petition of Archibald McNeil of Charlestown, stating that he misunderstood the boundaries of certain land he sold the state, for the use of the State Prison, and praying relief.

Read and committed to Messrs. Coffin, Jackson and Turner of S.

Petition of Amasa Kingsbury.

Read and committed to the committee on Towns.

Sent up for concurrence.

Petition of Mary Gay and Melzer Thomas.

Read and committed to Messrs. Wheeler, Little of N. and Mitchell of N. Y.

Petition of the 16th Massachusetts Turnpike Corporation, (by Zenas Wheeler, John Picket, and Abraham Gray.)

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Petition of the Selectmen of Cambridge.

Read and committed to the committee having the State Tax under consideration.

Petition of Thomas Smith, that his name may be altered.

Read and committed to the committee on similar applications.

On petition of Abraham Russell and others, the committee report an order of notice, and the appointment of Benjamin Tripp Benjamin Cummings, and Zadock Maxfeld, as a viewing committee.

In SENATE, Feb. 4, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

The House proceeded to the consideration of the bill for establishing the State Bank.

The consideration of this bill had on Saturday the 23d January been postponed till Tuesday the 26th January ; but on that day it was neither read nor (formally) further postponed.

This bill is now read as in its second reading, and it is ordered that this bill be read a third time ; that it be read at the present time ; and that it be read and considered, and passed by sections. The first section was then read and debated.

During the debate on this subject—

A message being announced by the Door Keeper ; the Secretary came in and delivered a packet to the Speaker, and withdrew.

The packet being opened, was found to contain the resolve on the petition of Mrs. O. R. Watts (which originated in this House) with his Excellency's objections to signing the same.

The debate on the first section of the bill for establishing a State Bank was then resumed ; but before taking any question on its passage, the House

Adjourned till tomorrow, 10 o'clock.

SATURDAY, *February 6, 1808.*

Met according to adjournment.

Committee on petition of Rev. T. Baldwin and others,
Report leave to bring in a bill.

Accepted.

Petition of Benjamin Lincoln, Lt. Colonel, praying for an additional troop of Cavalry in the 2d Reg. 2d Brigade and 5th Division.

Read and committed to the committee on similar matters.

Committee on petition of Josiah Little and others,
Report leave to bring in a bill.*In SENATE.**Read and accepted.**Sent down for concurrence.*

Read and concurred.

Committee on petition of proprietors of a New Meeting House
in Saco,

Report leave to bring in a bill.

*In SENATE, Feb. 3, 1808.**Read and accepted.**Sent down for concurrence.*

Read and concurred.

Committee on petition of Joseph O'Brien and others.
Report leave to bring in a bill.*In SENATE, Feb. 3, 1808.**Read and accepted.**Sent down for concurrence.*

Read and concurred.

Petition of William Stevens and others, of Barnardston, Northfield, Greenfield and Gill.

*In SENATE, Feb. 3, 1808.**Read and committed to the committee on Parishes.**Sent down for concurrence.*

Read and concurred.

On petition of Edmund Cleaves—the committee report leave to bring in a bill.

In SENATE, Feb. 3, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of Hector Orr, Nahum Mitchell, and others.

In SENATE, Feb. 4, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of John Blunt and others.

In SENATE.

Read and committed to the committee on Towns.

Sent down for concurrence.

Read and concurred.

Committee on petition of James Cook and others, for an Insurance Company in Salem,
Report leave to bring in a bill.

In SENATE, Feb. 3, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

The committee on Engrossed Bills report, that in the engrossed bill for establishing a boom across Machias River, there was a mistake in the bill that had passed both Houses, viz. the word *River*, in the title, was omitted—which the engrossing clerk had supplied.

Mr. Prince was charged with the said bill and a message to the hon. Senate to propose an amendment to the bill in that respect. The hon. Mr. Maynard soon came down from the Senate bringing the bill, and declared that the Senate had concurred.

Said bill was then passed to be enacted.

Petition of the town of Livermore for leave to sell the ministerial land in said town; signed by David Learned and others, the town's committee.

Read and committed to Mr. Lewis of Gorham, Col. Wade of Ipswich, and Mr. Foxcroft of New Gloucester.

Committee on petition of John Hays and others,
Report leave to bring in a bill.

In SENATE, Feb. 4, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Nathaniel Haskell and others, of
New Gloucester,
Report leave to bring in a bill.

In SENATE, Feb. 4, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Thomas Shaw and others, of Stan-
dish,
Report an order of notice.

In SENATE, Feb. 5, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of William Parsons, and order of notice.

In SENATE, Feb. 5, 1808.

Read and committed to the committee on Towns, &c.

Sent down for concurrence.

Read and concurred.

A message from his Excellency on Militia concerns.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

Whilst the improvement of the Militia is a subject under the consideration of the Legislature, I take an opportunity to suggest that there is *no authorized, effectual standard* in the Commonwealth for military discipline; by reason of which a great variety of forms in military exercises, manœuvres, and evolutions are necessarily introduced, and must tend manifestly to the subversion of discipline and subordination. But if there can be an authorized standard, introducing and preserving *one practice for the whole State*, it will produce a concentration of the same ideas and opinions;—and do more, than any thing else can

do, towards a regular subordination, and cheerful discipline in the militia.

I therefore propose for your consideration the propriety of appointing some person, who, with the Adjuant General, shall compile from such treatises as are extant, and from their own knowledge and experience—a *book on tactics* ; and to cause the same to be published for the Commonwealth ; and that the same shall be distributed gratis to all the militia officers : or to the captains, subalterns, adjutants and lower grades of officers, at least. The measure is necessary ; the expense not great ; whilst the cost of the officers, in their dress, and equipments, seems to demand it as a piece of justice.

JAMES SULLIVAN.

Council Chamber, 5th Feb. 1808.

In SENATE, Feb. 5, 1808.

Read and committed to the committee who have under consideration his Excellency's communication respecting the Militia.

Sent down for concurrence.

SAMUEL DANA, President.

In the House of Representatives, Feb. 6, 1808.

Read and concurred.

PEREZ MORTON, Speaker.

On the petition of Silvanus Lazell, Treasurer of the New Bedford and Bridgewater Turnpike Corporation—the committee to whom it had been referred reported *an order of notice*, which was—

In SENATE, January 30, 1808.

Read and passed.

Sent down for concurrence.

And in this House, Feb. 1, 1808—

Read and concurred.

The papers thus concurred, were as usual, returned to the Senate for the purpose of the order of notice being issued from the Senate ; but the papers being returned to the Senate—

The Senate, on the 4th Feb. 1808—reconsidered their vote on this order, and *order* that this petition, &c. be recommitted to the committee on Turnpikes, &c.

Sent down for concurrence.

And now in this House, this last vote also of the Senate, is

Read and concurred.

At 11 o'clock, the House resumed the consideration of the first section of the proposed bill for the establishment of a State Bank ; on which the members were debating yesterday, when an adjournment was called for, and obtained.

After debate, the question was put for passing the first section, and it was decided in the affirmative. For it, 168—Against it, 20. Whole number, 188.

A Message from his Excellency, respecting certain disturbances in the county of Kennebec.

“COMMONWEALTH OF MASSACHUSETTS.

“*Gentlemen of the Senate, and*

“*Gentlemen of the House of Representatives.*

“By this Message you have laid before you a copy of a Proclamation, which I issued, by advice of the Council, on the 1st instant, in regard to disturbances which have taken place in the county of Kennebec.

“I have caused five hundred copies to be transmitted to that county. You have, also, General Orders, which I have issued for disbanding four hundred of the militia there, which have been detached by the Division Orders of Maj. Gen. Sewall, of the Eighth Division, at the request of the Sheriff of that county.

“The papers and documents on which the proclamation is founded, are in the Secretary's office, under the control of the General Court. There are some other papers which I have received from the Sheriff there, since the measures in the proclamation were determined upon ; but as these only contain the history of a negotiation commenced between the Sheriff and some people in that county ; and the negotiation is not within the official line of the Sheriff's duty, or authorized by law—the Governor and Council have not taken any notice of it.

“JAMES SULLIVAN.

“*Council Chamber, Feb. 2, 1808.*”

PAPERS IN THE SECRETARY'S OFFICE REFERRED TO IN THIS MESSAGE.

Henry Johnson's deposition, taken 14th Dec. 1807.——Sheriff Lithgow's Letter, 7th Jan.——Gen. Sewall's Division Orders, 19th Jan. 1808.——Gen. Sewall's Letter, 21st Jan. 1808——Papers received since the Proclamation was agreed on.——Sheriff Lithgow's Letter of 25th Jan.——Mr. Dillingham's Letter, same date, to him,——Mr. Lithgow's Letter, 23d Jan.

In SENATE, February 6, 1808.

Read and (with the accompanying proclamation, and all the papers from the hon. Council relating to the subject) committed to the committee who have under consideration the petition of Robert Gray and others.

Sent down for concurrence.

SAMUEL DANA, *President.*

In the HOUSE of REPRESENTATIVES, February 6, 1808.

Read and concurred.

Perez MORTON, *Speaker.*

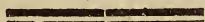
The House proceeded to the consideration of the second section of the bill for establishing a State Bank—and it being read and debated on, passed without a division.

The third section was then in like manner read, considered and passed.

The fourth section was then in like manner read, considered and passed.

The fifth section was then in like manner read, considered and passed.

Adjourned till Monday, 10 o'clock.



MONDAY, February 8, 1808.

Met according to adjournment.

Committee on petition of Ebenezer Hall and others, of Alfred and Sanford, report an order of notice.

In SENATE, February 6, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Gideon Ramsdell and others, report an order of notice.

In SENATE, February 6, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Joshua Harding and others, report an order of notice.

In SENATE, February 6, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Nathan Wesson and others, of Freeport, report an order of notice.

In SENATE, February 6, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of John Thorn, report that it lie on the files for further evidence.

Accepted—and ordered.

Committee on petition of Peter Rowe and others, of Standish, report an order of notice.

In SENATE, February 5, 1808.

Read and passed.

Sent down for concurrence.

Committee on petition of Oliver Shed and others, for a jail at Eastport, report leave to bring in a bill.

Accepted.

Committee on petition of T. Kittredge, in behalf of N. parish in Andover, report a resolve.

Read and passed.

Sent up for concurrence.

Committee on petition of Andrew Conant and others, for a Cavalry company, report a resolve.

Read and passed.

Sent up for concurrence.

Committee on petition of T. Stimpson, for a cavalry company, report a resolve.

Read and passed.

Sent up for concurrence.

The committee on petition of James W. Head and others, (that an Academy may be established at Warren) report "leave to bring in a bill."

Accepted.

The committee on petition of the Society for propagating the Gospel among Indians in North America, report a resolve for granting said Society a thousand dollars.

Read once, and the question was put, *shall* this resolve be read a second time? and it was decided in the negative.

A motion was immediately made to reconsider this vote, and permit the resolve to be read a second time, and passed: but the motion was lost. For it, 48—Against it, 97. Whole number present, 145.

Resolve for allowing the members who were not of the Court last year, a set of the Laws which have heretofore been ordered to be printed by the last General Court; and distributed according to a resolve passed Jan. 31, 1807; provided a sufficient surplus remain.

Read and committed to Messrs. Turner, Smith of W. S. and Brewer of Roxbury.

Committee on petition of the Selectmen of Duxbury, report leave to bring in a bill.

In SENATE, February 6, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

A Message from his Excellency, brought to this House by the Secretary, on Saturday the 5th Feb. 1808.

"Gentlemen of the House of Representatives,

"I return to you, a resolve which originated with you, on the petition of Olive Rindge Watts, who petitions as guardian of her infant son, Edward Watts, for sale of land. I do not give my approbation to the resolve, for the following reasons.

"*First.*—That it does not appear by the resolve, petition, or other documents, that the said Olive Rindge Watts ever took a

letter of guardianship upon the person or property of the said son, within this Commonwealth: And that therefore as she is not officially known, or recognized by the laws of this State, as his guardian, or as having any legal privity with him, or his property, the giving her power, in this mode, (if it can be done) to sell his land, is only to give one person authority to dispose of another's property, not only without his consent, but of the property of one who has no capacity to consent.

"*Secondly.* That without any considerable expense, the petitioner can apply within this state, and in the county where the land is; give bonds, take letters of guardianship, obtain license to sell and pursue the modes presented by law in such cases.— Then the avails of the sale will become personal estate in her hands, for which she must account on a final settlement, with the Judge of Probate, who granted her letters of administration in the state of New Hampshire. This is the usual method, and regular course of procedure, for which our laws have made ample provision. The business in this way, is done under the attention of all concerned, and under the care of the ordinary courts of justice.

"But those special resolves of the Legislature are often obtained by impositions and mistakes, and are expensive to the Commonwealth, from the public time they call for.

— "JAMES SULLIVAN.

"*Council Chamber, February 5, 1808.*"

COMMONWEALTH OF MASSACHUSETTS.

In the HOUSE of REPRESENTATIVES, Feb. 2, 1808.

On the petition of Olive Rindge Watts, of Portsmouth, in the county of Rockingham, in the state of New Hampshire, parent and guardian of Edward Watts, her only son a minor under the age of twenty one years, shewing that the said minor is seized in fee simple of one undivided seventh part of a certain lot or parcel of land, situated in Portland, in the county of Cumberland, and lying between Spring-street and Fore-street, and opposite the dwelling house of Zaccheus Hannaford, containing one third of an acre, more or less. And praying that she, the said Olive, may be licensed to sell the same, and to apply the proceeds thereof to the education of said minor—

Resolved, For reasons set forth in said petition, that said Olive Rindge Watts, parent and guardian aforesaid, be and she hereby is authorized and empowered to sell, at public vendue, all the interest of said minor to the estate aforesaid, to any person or persons who will give most for the same, and to make and execute a good and sufficient deed or deeds of the same : *Provided*, she the said Olive Rindge Watts, first give bonds, with sufficient surety or sureties, to the Judge of Probate for the county of Cumberland, in such sum as said Judge shall direct ; conditioned that she will faithfully and impartially discharge the trust hereby reposed in her, and render a true and just account to the said Judge of Probate of her proceedings in the premises (when and as often as said Judge shall require) of the proceeds of the sale thereof, as the law in such cases provides.

Read and passed.

Sent up for concurrence.

P REZ MORTON, *Speaker*.

In SENATE, Feb. 4, 1808.

Read and concurred

SAMUEL DANA, *President*.

The foregoing message and resolve having been read and considered, according to the provision of the Massachusetts Constitution—Part 2. Chapter 1. Section 1. Article 2.

The question was put, "*Will this House agree to pass the Resolve on the petition of Olive Rindge Watts, the Governor's objections notwithstanding ?*" Every member's name was called ; and every member present answered No. Thus this question was decided UNANIMOUSLY.

Those who were present, and voted in the negative, are—

Suffolk—William Smith,
William Brown,
Stephen Codman,
Benjamin Goddard,

Essex—Mark Fitz,
John Kneeland,
Thomas Purley,
Samuel Webster,
James Smiley,
Benjamin Osgood,

Essex—William Cleveland,
Nathan B. Martin,
Ebenezer Hart,
Nathaniel Wade,
Thomas Gage, jun.

Middlesex—Thomas Harris,
Matthew Bridge,
David Goodwin,

Middlesex—Samuel Butterfield, *Bristol*—Jones Godfrey,
 Nathaniel P. Watson, Elkanah French, jun.
 Josiah Mason, jun. John Hathaway,
 Stephen Dana, John Tisdale,
 William Hunt, Israel Washburn,
 John Loring, Apollos Tobey,
 Walter M'Farlan, John Hawes,
 Jason Chamberlain, Holder Slocum,
 Joseph Chandler,
 Joseph Locke, *Barnstable*—Ebenezer Lothrop,
 Jonas Brooks, John Freeman,
 Joseph Heald, David Nye,
 Israel Hildreth, Judah Paddock,
 Isaac Wright, Benjamin Bangs,

Hampshire—Ethan Ely, *Dukes County*—John Davis,
 William Rindge,
 Charles Phelps, *Worcester*—Edward Bangs,
 Samuel F. Dickinson, Benjamin Drury,
 Varney Pearce, Joseph Field,
 Samuel C. Allen, Samuel Robinson,
 Josiah Cobb, Joseph Adams,
 Solomon Stoddard, jr. Samuel Jones,
 Thaddeus Clap, Josiah Stiles,
 Ashbel Eager, Abijah Davis,
 Jonathan Smith, jun. Eleazer Leland,
 Joseph Forward, James Keyes,
 Abraham Granger, William Drury,
 Martin Phelps, Eli Stearns,
 Benjamin Parsons, Jonathan Weatherby,
 Moses Bascom, Silas Holman,
 Hezekiah Newcomb, jun. Israel Allen,
 Stephen Webster, Joseph Bowman, jun.
 John M'Clanathan,

Plymouth—Ephraim Spooner,
 Adam Fish, Samuel Gibson,
 Nathaniel Clift,
 Isaac B. Barker, *Berkshire*—John Picket,
 Daniel Mitchell, Zenas Wheeler,
 Nathan Gurney, jun. Joseph Wilson,
 Charles Turner, jun. John Nichols,
 Enoch Collamore, James Baldwin,
 Hawkes Fearing, John Bacon,

Berkshire—Samuel Barstow,
Jared Bradley,
George Conant,
Josiah Newell,
Simeon Griswold,
John Churchill,
Elisha Wells,
Joseph Williams,

Lincoln—Abiel Wood, jun.
Moses Carlton,
David Murray,
Simon Elliot, (*Bristol*)
James Perkins,
Farnham Hall,
Edward Jones,
Peleg Tallman,
Benjamin Hasey,
John Neal,

Norfolk—Joseph Heath,
William Brewer,
Elisha Whitney,
Ezekiel Tolman,
Phineas Holden,
Ephraim Cheney,
Jeremiah Daniels,
Thomas Lothrop,
Daniel Thurber,

Kennebeck—Joshua Gage,
Samuel Moody,
Samuel Jewett,
Simon Dearborn, jun.
Daniel Lothrop, jun.
Moses Carr,
Elnathan Sherwin,
Thomas Eldred,
Eleazer W. Ripley,
Ithamar Spauldin,
Asher Hinds,
Zachariah Norton,

York—Alexander M'Intire,
Alexander Rice,
David Legro,
Joseph Atkinson,
John Leighton,
Joseph Woodman,
William Moody,

Hancock—Caleb B. Hall,
William Vinal,
Thomas Whittier,
Ebenezer Frye,
Philip Ulmer,
Seth Kempton,
James Thomas.

Cumberland—Joseph Titcomb,
William Jenks,
Benjamin Larrabee,
George Hight,
Lothrop Lewis,
Ammi R. Mitchell,
Robert Given,
Joseph E. Foxcroft,

Oxford—John Turner,
Nathaniel Purley,
Washington—Oliver Shead.

A motion was made by Mr. Slocum,

“That a committee be appointed to consider the expediency of paying the Members for their *attendance* at the present session of the General Court, *after twenty days*, in the same manner as they are paid for their *travel*.”

Ordered, That the consideration of this motion be postponed till the first session of the next General Court.

The House at 12 o'clock proceeded to consider the bill entitled "an act establishing a State Bank."

The 6th section was read, considered and passed, without a division.

The 7th section was read and considered, and after one amendment in the 40th line, viz. dele the words "the purchase and sale of," and insert "discounting," passed without a division.

The 8th section was read, considered, and passed without a division.

The 9th section was read, considered, and passed—117 for it—43 against it.

The 10th section was read and committed to Messrs. Welles, Davis, and Carr of Orrington.

Ordered, That abstracts of the returns of the several Banks up to January, 1808, be printed, under the superintendence of the Secretary for the use of members.

Petition of Nathan Webb and others, agents, &c.

In SENATE, February 8, 1808.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

A viewing committee on petition of Gad Williston and others, for a Turnpike Road,

"Report leave to bring in a bill."

This report and the petition is

In SENATE, Feb. 8, 1808.

Read and committed to the committee on Turnpikes, &c.

Sent down for concurrence.

Read and concurred.

Committee on petition of John Anderson and others,

Report an order of notice.

In SENATE.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of J. Bradbury and others.

Report an order of notice.

In SENATE.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Benjamin Stevens and others,

Report an order of notice.

In SENATE, February 8, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Mr. Slocum gave notice that he should tomorrow, 11 o'clock, move for a reconsideration of the vote passed this day, for postponing the consideration of his motion, respecting the pay for the *travel and attendance* of members.

Adjourned to Tuesday, 10 o'clock.

TUESDAY, *Februdry* 9, 1808.

Met according to adjournment.

County estimate of a tax for Hampshire.

Read and committed to the committee on like matters.

County estimate of a tax for Bristol.

Read and committed to the same.

Petition of Jonathan Harris and others, respecting the will of Richard Devens, deceased.

Read and committed to Messrs. Goodwin, Titcomb, and Hunnewell.

Petition of Daniel Neal and others, praying that a new County may be established out of the county of Hancock and Kennebec.

Read and committed to Messrs. Foxcroft, Moody, and Dickinson.

Petition of Gaius Smith, praying to be divorced from his wife, on account of her having been convicted of theft.

Read and committed to Messrs. Davis of B. Bemis of C. and Gay of S. with such as the hon. Senate may join.

Sent up for concurrence.

Petition of Joseph Stebbins and others.

Read and committed to Messrs. Wood of W. Tolman of B. and Eldred of Pittsfield.

Petition of Archibald Hopkins and others, on military matters, in Becket and Tyringham.

Read and committed to the committee on similar subjects.

Col. Turner, to whom was referred the proposed resolve for distributing the surplus laws, report the same without amendment.

It was then read and passed.

Sent up for concurrence.

Petition of Nat. Smith and others, Directors of Hatfield Bridge, praying for leave to raise more money by means of a lottery.

Read and committed to Messrs. Kneeland of Andover, Phelps of Chester, and Nichols of G. Barrington.

Petition of Samuel Fowler, and Justin Ely, (by S. F. his attorney) stating that certain land they bought of this State, is claimed by George III.

Read and committed to Messrs. Bridge of C. Whitney of R. Gibson of Fitchburg.

Petition of Abigail Barnaby, Widow, stating certain difficulties she has met with in the Probate of Bristol.

Read and committed to the committee on New Trials.

Sent up for concurrence.

Committee on the petition of John Farley and others, praying that the Supreme Judicial Court may be never holden by less than three judges, report leave to bring in a bill.

Read and postponed till the Judiciary System shall be under consideration.

Petition of James Hodges and others, praying an alteration in the law providing for the inspection of Nails.

Read and committed to Messrs. Godfrey, Brown of B. and Brewer of R.

Committee on petition of Benjamin Lincoln, in behalf of himself, and of the heirs of John Lowell and Thomas Russell, both deceased, report a resolve.

In SENATE, February 3, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of Caleb Gannet and John Mellen, guardians of certain children.

In SENATE, February 6, 1808.

Read and committed to Messrs. Howe, and Phillips of S. with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Bacon, Allen, and Brooks are joined.

Petition of David Bradlee.

In SENATE, February 6, 1808.

Read and committed to the committee who have under consideration the petition of Joseph Ward.

Sent down for concurrence.

Read and concurred.

Petition of Joshua Davis, praying to be divorced on account of the extreme inebriety of his wife.

In SENATE, February , 1808.

Read and committed to Messrs. Gore and Spooner, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Davis of B. Bemis of C. and Gay of S. are joined.

Committee on petition of the Selectmen of Dracut, report an order of notice.

In SENATE, February 8, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of H. G. Balch, Esq. agent for the Penobscot Indians, report a resolve.

In SENATE, February 5, 1808.

Read and passed.

Sent down for concurrence.

Read, and Wednesday, 11 o'clock, assigned for a second reading—and committed to Messrs. Thomas, Murray, and Thatcher.

Committee on petition of W. Donnison, Adjutant General, report a resolve, granting him an additional compensation.

Read, and tomorrow, 10 o'clock, assigned for second reading.

Mr. Brown of Boston, one of the committee on the bill respecting the annuity fund, report the same as taken into a new draft.

Laid on the table.

Bill to establish an Academy at Belfast.

Read, and Friday next, 11 o'clock, assigned for second reading, and committed in the mean time, to Messrs. Little of Newbury, Lewis of Gorham, and Barker of Pembroke.

Bill from the Senate respecting parishes, precincts, and parish meetings.

Read first and second time, and Tuesday next, 11 o'clock, assigned for third reading, and committed to Messrs. Brown, Endicot, and Martin in the mean time.

Bill to incorporate the proprietors of a new Meeting House in the fourth parish in Newbury, in the county of Essex.

Read a first time, and tomorrow, 11 o'clock, assigned for second reading, and committed in the mean time, to Messrs. Hathorne, Spooner, and Day.

Ordered, That Mr. Freeman of Sandwich, be allowed pay for his travel and attendance at the last session, he having left the House at the last session before he received his pay.

A Message being announced, Mr. *Secretary* AUSTIN entered and delivered to the *Speaker* the following written Message from the *Governor*, together with the engrossed bill which is the subject of it.

" *Gentlemen of the House of Representatives,*

" I return to you, without my approbation, a bill which originated with you, entitled, ' An Act for dividing the county of Washington into two districts, for the purpose of registering deeds and conveyances of land.'

" This bill was laid before me yesterday.

" The objections I have to it, arise from its inaccuracies, and defects, which can be cured only by a new draft.

" The bill provides, that the Governor, by and with the advice of Council, shall appoint a Register for the district, who shall hold his office during good behavior, (or until a Register shall be elected) but does not say which.

" The bill provides that the Selectmen of the town, and assessors of plantations shall call meetings, and shall choose a Register. The conjunction *and* connects the verb *choose*, with the preceding substantives *Selectmen* and *Assessors*, and gives them the power to choose.

" The bill provides that the Register appointed by the Governor, shall continue in office until a town shall be incorporated, but there must be considerable space of time between such incorporation, and the election and qualification of the Register, in which space of time there can be no Register of deeds in the district.

" The bill provides, that deeds and conveyances *given* of lands, &c. shall be recorded there; but the word *given* excludes executions extended on real estates, which is a species of conveyances, though not *given* by the proprietor, but taken by legal process. This objection is supported by the opinion of the Supreme Judicial Court lately given in the case of Hopkinton lands.

" The defects will appear on a view of a bill which may be thus described :—It ought to create a district by precise boundaries. It ought to provide that the Governor, with advice of Council, shall appoint a Register of deeds, until one is chosen and qualified as therein directed. That the office shall be holden in the plantation of Houlton, until a town shall be incorporated, and then in the first town. That the Register should be liable to be removed by the power that appoints him. [Removals of others being by the General Sessions.] That he shall give bonds to the State Treasurer, and be duly sworn. That as soon as a town is incorporated, the Selectmen shall apply to the Court of Sessions in the county of Washington, which shall is-

sue precepts to the Selectmen of the towns, to call meetings of inhabitants qualified as in other towns, and to assessors of plantations, to call meetings of the inhabitants having the same qualifications, as to age and property to call meetings, &c. to choose a Register for five years. That when the Court then next to be holden, should examine and declare a choice, and the person chosen should be sworn, give bonds, &c. the office of the Register appointed by the Governor shall cease, and he shall deliver the records, and all papers in his possession, over to the one elected as his successor; that a Register shall be elected there in the same manner, once in five years afterwards.

“JAMES SULLIVAN.

“*Council Chamber, February 9, 1808.*”

The House, at 11 o'clock, proceeded to consider the eleventh section of the bill for establishing a State Bank, and passed the same without a division.

The twelfth section passed (with an amendment) without a division.

The thirteenth section (containing the rules and fundamental articles of the corporation) passed, with amendments, without a division.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty first, twenty second, twenty third, twenty fourth, twenty fifth, and twenty sixth, were severally read, considered and passed—the House entered on the consideration of the twenty seventh section, but before any vote was taken thereon—the House

Adjourned till tomorrow morning, 10 o'clock.

WEDNESDAY, February 10, 1808.

Met according to adjournment.

Memorial of Benjamin Joy.

Read and committed to the joint committee having under consideration the petition of R. Gray and others.

Sent up for concurrence.

Petition of James Purinton of Little River, for an alteration of his name.

Read and committed to the committee on similar matters.

Petition of James Perkins and others, merchants of Boston, praying that there may be no alteration in the Hop Inspection law.

Read and committed to the committee on that subject—
Messrs. Whittier, Butterfield, and Barstow.

The House proceeded to the consideration of the twenty seventh section of the bill for establishing a State Bank, on which section the House were debating, when an adjournment was called for and obtained yesterday.

The twenty seventh section being read and considered, was passed with amendments.

The twenty eighth section being read and considered, was passed.

Mr. Welles, of the committee to whom had been referred the tenth section (on Monday last) reported an amendment to the tenth section of the bill, as printed for the use of this House.

The Amendment was adopted, and the report of the committee accepted.

Mr. Callender made a motion, which was seconded, that the following be added to the *Bill for establishing a State Bank*, as an additional section—

“Section 29. *And be it further enacted*, That no member of either branch of the Legislature, for the time being, shall be eligible as President of said Bank, or as one of the eight Directors by the tenth section of this Act, provided to be chosen by the Senate and House of Representatives.”

The question was put, and decided in the negative. Against it, 102—For it, 79.

Mr. Callender immediately moved for the reconsideration of this vote ; and the question, “*will the House reconsider their last vote ?*” after debate, was put, and decided in the negative.

The House therefore do not reconsider said vote.

A motion had been made and seconded, and agreed to by a competent number, that the first above mentioned motion (when decided) should be decided by yeas and nays—but before the question on the adoption of the *proposed new Section* was put ; the mover withdrew his motion for its decision by yeas and nays.

The question, “*shall this Bill pass to be engrossed ?*” was put and decided in the affirmative. For it, 152—Against it, 37. Whole number present, 189.

Thus this bill having had three several readings, passed to be engrossed—and was then

Sent up for concurrence to the Senate.

Adjourned to Thursday, 10 o'clock.

THURSDAY, February 11, 1808.

Met according to adjournment.

Committee on petition of James Robinson, president of the Pond Street corporation, for further time to build a street across the mill pond in Boston, report a resolve.

Read and passed.

Sent up for concurrence.

Returned order of notice on petition of the agents of the town of Plymouth.

In SENATE, Feb. 9, 1808.

Read and committed to Messrs. Phillips of S. and Gannet, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Mr. Titcomb, Gen. Winslow, and Mr. Fish are joined.

Petition of Thomas Powers.

In SENATE, Feb. 9, 1808.

Read and committed to the committee on New Trials.

Sent down for concurrence.

Read and concurred.

The joint committee on petition of William Parsons and others, report leave to bring in a bill.

In SENATE, Feb. 9, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of Joseph Small and others, of Plantation of Wales.

In SENATE, Feb. 9, 1808.

Read and committed to the committee on Towns.

Sent down for concurrence.

Read and concurred.

Petition of T. L. Winthrop and others.

In SENATE, Feb. 9, 1808.

Read and committed to the committee on the petition of R. Gray and others.

Sent down for concurrence.

Read and concurred.

Returned order of notice on petition of Ezekiel Thompson, agent for Little River Plantation.

In SENATE, Feb. 9, 1808.

Read and committed to the committee on Towns.

Sent down for concurrence.

Read and concurred.

Memorial of Micajah Coffin, Representative from Nantucket.

“COMMONWEALTH OF MASSACHUSETTS.

“*To the hon. the House of Representatives of the General Court of Massachusetts, convened at Boston, by adjournment, on the first Wednesday of January, in the year of our LORD, one thousand eight hundred and eight.*

“MICAHAH COFFIN, of the town of Nantucket, in the County of Nantucket, Esquire, and now constitutionally a member of this House, here present in his own proper person, gives this House to understand and be informed, that on the fifth day of June, in the year of our Lord, one thousand eight hundred and five, he the said Micajah, being a member of this House, and constitutionally qualified and acting therein, and said House (together with the hon. Senate) having formed a convention in the Representatives' Chamber, in order to choose, by joint ballot, two Notaries Public within and for the said county of Nantucket; and the same being under consideration, he the said Micajah, in order that no improper person might obtain that important office, was then and there deliberating and speaking with Benjamin Russell, a member of said House, constitutionally qualified and acting therein; and the said Micajah (not knowing the candi-

dates for said office on one side, but having good reason to suppose that William Coffin, of said Nantucket, gentleman, was one) asked the said Benjamin, who was the person that had requested him that day *to bring forward a Resolve in said House for one additional Notary Public for said County?*—He pointed to the said William, who was then within the walls of said chamber, and said “*that was the person.*”—The said Micajah said, “*what, that culprit?*”—The said Benjamin said, “*he did not understand.*”—The said Micajah then said, “*did thee never hear of the affair of the Nantucket Bank?*”—The said Benjamin replied, “*that he thought the said William had been honorably acquitted by a jury of his country.*”—Then the said Micajah asked this question, “*Does that make him the less guilty?*” The said Convention then proceeded, by ballot, to the choice of two Notaries Public for said County, when it appeared that Isaac Coffin and Zaccheus Hussey, Esquires, were chosen. The said Micajah afterwards, to wit, on the sixth day of August then next following, was sued by the said William, for speaking the same words (with some variation, both as to manner and matter, in the mode of alledging them) before the Court of Common Pleas, then next to be holden at said town of Nantucket, within and for the county of Nantucket, on the first Tuesday of October then next following. The said Micajah appeared, and plead to the jurisdiction thereof; stating, in substance, that he and the said Benjamin, at the time when said words are alledged to have been spoken, were members of this House of Representatives; and that the said words, if spoken, were spoken in deliberation in this House, concerning the appointment of Notaries Public; and that said words had relation to the subject of their deliberations, and ended in proper form. To which plea the said William demurred generally, and the said Micajah joined in demurrer; and at the same Court, two of the justices thereof, making a majority, to wit. James Coffin, and Josiah Barker, Esquires, adjudged and determined, that they would take further cognizance of, and sustain said suit; and ordered said Micajah to answer over in some better manner; and at the same term of said Court the said Micajah was obliged to plead the general issue, not guilty; and, in bar, that the said Micajah and said Benjamin, at the time said words are alledged to have been spoken, were members of this House of Representatives; and that the said words were spoken by the said Micajah to the said Benjamin in deliberation in said House, while the same was in session; and some of the members there, and in particular the said Micajah and the said

Benjamin, were deliberating concerning the appointment of a Notary Public ; and said words, if spoken, had relation to the subject of their deliberations ; with a beginning and conclusion in bar, in common form. To the first plea the said William joined issue—and to the second he traversed the same, and concluded to the country, and said Micajah joined issue ; and such proceedings were had thereon, that at a Court of Common Pleas begun and holden at the same town, within and for said County, on the Tuesday next preceding the last Tuesday of March, in the year of our Lord one thousand eight hundred and six, said suit was committed to a jury sworn according to law to try the same, who, without any evidence that the words were spoken elsewhere than above stated, returned a verdict of guilty, and assessed damages at fifteen dollars ; and the justices of said court, well knowing that it was clearly proved on said trial that the said words were spoken in manner and form as the said Micajah had in his plea in bar alledged, and wholly within the jurisdiction of this House, recorded said verdict and gave judgment thereon against the said Micajah, for fifteen dollars debt or damage, and cost of suit taxed at eighteen dollars and fifty four cents : From which judgment the said Micajah appealed to the Supreme Judicial Court then next to be holden at Boston, within the county of Suffolk, for the counties of Suffolk and Nantucket, on the fourth Tuesday of November then next following ; and at that time and place the said Micajah entered his said appeal in said Supreme Judicial Court, and such proceedings were had thereon by appearance of the parties and continuance, that at the Supreme Judicial Court begun and holden at Boston, within the county of Suffolk, for the counties of Suffolk and Nantucket, on the fourth Tuesday of November, in the year of our Lord one thousand eight hundred and seven, the said suit came on, to be tried before the Hon. Isaac Parker, Esq. one of the justices of said court, on the said plea of—not guilty ; and the said plea in bar with the issues joined as aforesaid ; and after a full hearing it was clearly proved and uncontradicted, that the said words were spoken in manner and form as the said Micajah in his plea in bar had alledged.

“ Yet the said justice Parker did, when he came to sum up the facts and law to the jury, tell them, that as the said Micajah did not speak the words *in his individual seat*, but went to the seat of the said Benjamin, in order to give votes to members of said House that had them not, for the candidates for said office, when he spoke the words, it was to be considered the same as if he had

spoken the words out of doors, or in any other place whatever.

“And the said cause, upon this direction of the said Judge, was committed to a Jury sworn according to law to try the same, who returned their verdict generally of guilty, and assessed damages at *two thousand five hundred dollars*. Said Micajah then moved to have said verdict stayed and arrested, because the same was erroneous ; and said cause stands adjourned to the next Supreme Judicial Court, to be holden at the place and for the counties aforesaid, on the second Tuesday of March next, that the Court may advise thereon.

“And so the said Micajah says, that the said Justices of the said Court of Common Pleas, within and for said county of Nantucket, to wit, James Coffin and Josiah Barker, Esquires, a majority of said Court, in determining as aforesaid, the plea to the jurisdiction of said Court with the said demurrer, and joinder in demurrer to that plea, wherein every fact stated should have been taken to be true and confessed by the parties, were, as he believes, guilty of A BREACH OF THE PRIVILEGES OF THIS HOUSE.

“That the Justices of said Court of Common Pleas, within and for said county of Nantucket, to wit, Josiah Coffin, James Coffin, and Josiah Barker, Esquires, in not informing the Jury of the constitution and law of this Commonwealth, and directing them therein when they committed said cause to them, and in recording said verdict, and not staying and arresting the same, and giving judgment thereon against the said Micajah, when they must have known that every act or thing done by a subordinate Court, touching the freedom of deliberation, speech and debate in this House, was absolutely void, from the beginning, and that they had no right to examine the merits of the case—were, as he believes, guilty of a breach of the privileges of this House.

“That the Justice of said Supreme Judicial Court, to wit, the Hon. Isaac Parker, Esq. in his direction to the Jury, when he committed said cause to them, in telling them if a member of this House deliberated with, or spoke, when out of his individual seat, to another member in his seat, on the merits or demerits of a candidate for office, that is to be chosen by the joint ballot of both Houses of the Legislature, is not entitled to the privileges of a member of this House, any more than if he had spoken the same out of doors ; is a strange doctrine to be delivered in this land of freedom—which the said Micajah hopes will be considered a breach of the privileges of the members of this House.—But, as the privilege of a member is the privilege of this House,

the said Micajah would be liable to punishment, did he either suppress giving information of any breach of privilege, that came to his knowledge, or undertake to wave the privileges of this House ; he therefore does no more than his duty, when he states every supposed breach of privilege.

“Wherefore, the said Micajah hereby *humbly implores the privileged aids of this honorable House*, and prays them to exert in his behalf such prohibitory and restraining powers, as they constitutionally possess, and take and pass such orders and resolutions, as the justice of his case shall require, and which they shall think in their wisdom will more effectually preserve and protect *the freedom of deliberation, speech, and debate in this House*, so essential to the rights of the good people of this Commonwealth. And as in duty bound will ever pray.

“Done in the House of Representatives, February the 8th, in the year of our Lord one thousand eight hundred and eight.

“MICAJAH COFFIN.”

In the HOUSE of REPRESENTATIVES, Feb. 11, 1808.

The foregoing Memorial is read and committed to Messrs.

Wheeler of Lanesborough, Ripley of Winslow, and Martin of Marblehead.

Committee on petition of the Selectmen of Dracut, report an order of notice.

In SENATE, Feb. 8, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Mr. Slocum moved that the House reconsider their vote passed on Monday, postponing to the next session, the consideration of the motion to provide that the members should be paid from the State's Treasury, for their *attendance* and travel. Thereupon the House did reconsider their vote ; and the said motion was committed to Messrs. Slocum, Bacon, and Moody, to consider and report thereon.

The House proceeded to the consideration of the report of the committee of conference which was presented and read in the House on Saturday, 30th January, 1808, on the differences between the Senate and the House, on the subject matter of

Andrew Cragie's petition; and a report of a joint committee thereon,* respecting the location of "*Canal Bridge*."

The report of the conferrees is as follows :

"The committee of the House of Representatives, appointed on the 18th of January, to confer with a committee of the Senate, on the subject of the difference of the two Houses on a report of a committee made to both Houses in June last, on the petition of Andrew Cragie—having met the committee of the Senate, and conferred with them on the subject matter of said differences; ask leave to *report*, a RECOMMENDATION to the House of Representatives, to *recede from their former vote of non concurrence with the Senate*; and that the House should concur with the Senate in the acceptance of said report.

"Which is respectfully submitted.

"CHARLES TURNER, jun. *Per Order.*"

The foregoing report is read and accepted. This House thereupon recede from their vote of non concurrence on this subject, passed on the 16th of June last; and the original report of the joint committee is read and accepted in concurrence with the hon. Senate, giving leave to the petitioners to bring in a bill containing conditions mentioned in the report of the committee of both Houses, and offered for acceptance at the last session.—Pro. 108—Con. 55.—Present 163.

The House assigned tomorrow, 11 o'clock, for the consideration of the report of the joint committee on the petition of Eben Parsons and others, for a bridge to connect Boston with South Boston.

Adjourned till 10 o'clock, tomorrow.

FRIDAY, February 12, 1808.

Met according to adjournment.

Committee on petition of Theodore Sedgwick, report a resolve.

Read a first and second time, and not passed.

* This report proposes that a certain dispute respecting the location of *Canal Bridge*, should, by all parties concerned, be referred to the decision of the Governor and Council. It had been read and accepted, in Senate, June 13, 1807, and sent down for concurrence. This House on Tuesday, 16th June, 1807, (non concurring with the Senate) "*Ordered*, That the petitioner have leave to withdraw his petition"—and sent this order to the Senate for their concurrence. The paper remained with the Senate till January 18, 1808; when they proposed a conference.

Petition of the Commercial Point Bridge corporation, by Eben Niles and others, stating that they have been unable to procure sufficient money to be subscribed for the purpose of enabling them to build a certain Bridge in Dorchester ; for which leave had been granted at the last session. They therefore pray liberty to build *a Dam*.

Read and committed to Dr. Holden, Mr. Hunnewell, and Mr. Tucker.

Petition of Nathaniel Scot.

Read and committed to the committee on New Trials.

Sent up for concurrence.

Ordered, That Messrs. Moody of S. Wade, and Vinal, be a committee to whom all applications for leave of absence shall be made ; who shall consider the validity of the reasons assigned by the applicants, and make report to the House.

Petition of John Wilson and others, praying to be formed into a company of Artillery, in the 3d Regiment, 1st Brigade, and 2d Division.

Read and committed to the committee on Military applications.

Sundry petitions for an alteration of the law for the Inspection of Hops.

Read and committed to Messrs. Whittier, Butterfield, and Barstow, with such as the hon. Senate may join.

Sent up for concurrence.

Petition of Jonathan Richards and others.

Read and committed to the committee on Turnpikes, Bridges, and Canals.

Sent up for concurrence.

Ordered, That Messrs. Whittier, Butterfield, and Barstow, with such as the hon. Senate may join, be a committee to consider what alterations, if any, are necessary, in the law regulating the Inspection of Hops, and report by bill or otherwise.

Sent up for concurrence.

Committee on petition of Edward Taylor, report leave to withdraw.

Accepted.

Petition of Eleazer Ayres and others, Selectmen of Granby.

Read and committed to the committee on Towns.

Sent up for concurrence.

Petition of Chester Smith.

Read and committed to Messrs. Wheeler, Eager, and Calender.

Petition of Ephraim Bradley and others, for a Turnpike.

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Petition of John Baxter.

Read and committed to the committee on Canals, &c.

Sent up for concurrence.

Committee on petition of J. L. Austin and others, report leave to bring in a bill.

In SENATE, February 10, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Hector Orr and others, report an order of notice, and a viewing committee.

In SENATE, February 11, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Resolve for apportioning and dividing taxes between West Cambridge, Brighton, and Cambridge, on account of their separation.

Read and passed.

Sent up for concurrence.

Committee on petition of Zenas Wheeler and others, in behalf of the 16th Massachusetts Turnpike, report leave to bring in a bill.

In SENATE, Feb. 10, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of Henry Dwight, agent of the Belchertown and Greenwich Turnpike.

In SENATE, February 10, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Petition of the field Officers of Infantry, and twenty seven of the Captains and Subalterns in General Winslow's Brigade, praying that the General Court would set aside the sentence of a Court Martial, against Lt. Col. Gardner, Major Harris, and Major Stetson, so far as that they may be no longer disqualified for holding any military office to which they may be hereafter elected. Said Lt. Col. and two Majors having been declared guilty, and disqualified by a Court Martial, who refused their request to be heard by counsel; whereupon said officers declined making any defense.

Said petition is,

In SENATE, February 10, 1808.

Read and committed to the committee who have under consideration the petition of Jeduthun Wellington.

Sent down for concurrence.

Read and concurred.

Petition of Oliver Prescott and others.

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

In SENATE, February 11, 1808.

"Ordered, That Messrs. Hill and Heard, with such as the hon. House may join, be a committee to consider and report what business of a public nature is necessary to be acted on the present session, and at what time the General Court may have a recess.

Sent down for concurrence.

Read and concurred, and Messrs. Turner, Lewis, and M'Farlan are joined.

Petition of Joshua Hemmingway and others, members of a Light Infantry Company, in the 4th Regiment, 1st Brigade, and 8th Division, praying that the Government would arm, equip, and extend its particular patronage to Light Infantry Compa-

nies, in order that *such Companies*, armed with pieces of an uniform calibre, may be *held in constant readiness for actual service*.

Read and committed to the joint committee who have under consideration the communication of his Excellency, on military concerns.

Sent up for concurrence.

Committee on petition of Elisha Hunt and others, for leave to build a Toll Bridge across Connecticut river at Northfield, report leave to bring in a bill.

In SENATE, February 10, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Moses Griggs and others, for leave to build a certain bridge and road in Cambridge, report leave to withdraw.

In SENATE, February 10, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Silvanus Lazell, Treasurer of the New Bedford and Bridgewater Turnpike, report an order of notice.

In SENATE, January 30, 1808.

Read and passed.

Sent down for concurrence.

SAMUEL DANA, *President.*

In the HOUSE of REPRESENTATIVES, February 1, 1808.
Read and concurred.

PEREZ MORTON, *Speaker.*

In SENATE, Feb. 4, 1808.

The Senate reconsidered their vote on this order ; and ordered that the same be recommitteed to the committee on Turnpikes.

Sent down for concurrence.

SAMUEL DANA, *President.*

In the HOUSE of REPRESENTATIVES, Feb. 6, 1808.
Read and concurred.

PEREZ MORTON, *Speaker.*

In SENATE, Feb. 10, 1808.

The committee again reported the order, without alteration, which was accepted.

Sent down for concurrence.

SAMUEL DANA, *President.*

In the HOUSE of REPRESENTATIVES, Feb. 12, 1808.

Read and concurred.

Perez MORTON, *Speaker.*

The House proceeded to the consideration of the report of the committee on the petition of Ebenezer Parsons and others (according to assignment made immediately before the House rose yesterday). Said Report is as follows—

“The committee of both branches of the Legislature, to whom was referred the Petition of Ebenezer Parsons and others, praying for liberty to erect a Bridge from South Street in Boston, to South Street in South Boston—after fully hearing all the parties concerned, and maturely considering the subject, ask leave to

REPORT—

“That the prayer of said petitioners be so far granted that they have leave to bring in a bill for erecting a Bridge from South Street in South Boston, to, at, or near South Street in old Boston; being restricted however, not to extend the end of said bridge on the old Boston side, Easterly of Sea Street: which bill shall provide for two convenient draws, and good and sufficient piers on each side of the bridge, for carrying vessels up and down, at the same time: said draws and piers to be well lined with plank, from low water mark to the top; which draws and bridge are to be well lighted; and for a reasonable compensation to be paid to vessels going through said draws.

“Which is respectfully submitted.

“AZARIAH EGLESTON, Per Order.”

In SENATE, February 9, 1808.

Read and accepted.

Sent down for concurrence.

SAMUEL DANA, *President.*

And now in this House the above report is read, and after some debate thereon, the House resolved that when they adjourn—they will adjourn till half after three o'clock, P. M.

They immediately adjourned accordingly.

FRIDAY AFTERNOON, *February 12, 1808.*

Met according to adjournment.

An act to incorporate the proprietors of a Meeting House in Newburyport, belonging to a society of Baptists.

Read once, and tomorrow, 10 o'clock, assigned for a second reading.

Committee on petition of Theophilus Cushing and others, report leave to bring in a bill, authorizing them to build certain bridges.

In SENATE, Feb. 9, 1808.

Read and accepted.

Sent down for concurrence.

Read, and Tuesday next, 11 o'clock, assigned to consider said report.

Bill from the Senate, to establish the easterly part of Minot into a parish by the name of the East Congregational Society, in the town of Minot.

Read a first and second time, and Tuesday next, 11 o'clock, assigned for third reading, and committed to Messrs. Little, Foxcroft, and Moody of S.

Ordered, That Messrs. Day, Tolman and Gay,* be a committee to consider the expediency of augmenting the number of places at which the Courts of Probate shall be holden, in and for the county of Norfolk, and report by bill or otherwise.

Committee on petition of Ebenezer Niles and others, for leave to build a dam, instead of a bridge, over Mill Creek, so called, in Dorchester, report an order of notice.

Read and passed.

The committee, to whom was referred for consideration the motion offered by Major Ulmer of Lincolnville, that Justices of the Peace may be, by law, restrained from signing any blank writ, and disposing of the same to any attorney, or other person,

* Dr. Thurber of Bellingham is substituted in room of Mr. Gay.

for the purpose of being, by him, filled and issued as a legal process—Report,

That in their opinion, it is improper and unnecessary to enact any law for that purpose.

Which is submitted.

H. SLOCUM, Per Order.

Read and accepted.

The House, at half after four o'clock, resumed the consideration of the report of the joint committee, on the petition of Ebenezer Parsons and others.

After debate, the question was put, "will this House concur with the Senate and give leave to the petitioners to bring in a bill, on the terms and conditions mentioned in the report of the joint committee?"—and it was decided in the negative—For it, 83—Against it, 102. 185 present.

On motion, it was then

Ordered, That the petitioners have leave to withdraw their petition. For it, 104—Against it, 66. 170 present.

Sent up for concurrence.

Adjourned till tomorrow morning, 10 o'clock.

SATURDAY, *February* 13, 1808.

Met according to adjournment.

Petition of Saml. K. Glover and others, inhabitants of the town of Milton, for liberty to build a certain Wharf in said town.

Read and committed to Messrs. Endicot, Hayden, and Bemis.

Committee on the subject of salaries, appointed at the last session, report that it is inexpedient at present, to make any alteration in the salaries at present established, except of the Governor, the Justices of the Supreme Judicial Court, and the Attorney and Solicitor General; for the establishment of whose salaries, they offer a bill.

Read, and Tuesday next, 10 o'clock, assigned for second reading.

Bill for incorporating the proprietors of a Congregational Society's Meeting House, in Saco.

Read first and second time, and tomorrow, 10 o'clock, assigned for third reading, and committed to Gen. Lewis.

Committee on petition of Josiah Stebbins and others, report leave to bring in a bill.

Accepted.

Committee on Quarter Master General's communication, estimate, &c. &c. report a resolve for paying him for his services, and discharging him for the amount of certain warrants that have been drawn in his favor on the Treasury.

In SENATE, February , 1808.

Read and passed.

Sent down for concurrence.

Read first and second time, and its passage is postponed till Tuesday next.

The printed Highway bill (so called) formed in the recess, by Judge Sedgwick, and J. Smith, jun. Esq. of W. S.

In SENATE, February 10, 1808.

Read and committed to Messrs. Brigham and Fisher, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Brewer, Mitchell, and Moody are joined.

The printed Turnpike bill (so called), drafted in the recess, by Judge Sedgwick, and Mr. Smith of W. S.

In SENATE, February 10, 1808.

Read and committed to Messrs. Brigham and Fisher, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Brewer, Mitchell, and Moody are joined.

Mr. Bacon, of the committee on salaries, appointed at the last session, stated, that that committee were by no means unanimous, and by leave, laid on the table a bill for providing salaries of a fixed and permanent nature, for certain of the Officers of Government.

Read once, and Wednesday, 11 o'clock, assigned for a second reading.

Bill to incorporate "the Bedford Precinct."

Read first and second time, and Monday next, 11 o'clock, assigned for third reading.

Bill (in the first reading) to incorporate certain persons in Blandford, to manage a certain legacy, and other property, as a fund for School District number three, in said town.

Read a first and second time, and Monday, 11 o'clock, assigned for a third reading.

Bill to incorporate a religious society, by the name of "the Baptist Missionary Society in Massachusetts."

Read once, and again, and Tuesday next, 11 o'clock, assigned for a third reading.

The bill, in its second reading, supplementary to the acts, providing and regulating Prisons, was read, and the committee to whose consideration it had been referred on Wednesday, 3d Feb. having reported certain amendments to said bill—those amendments were adopted.

The bill, after being amended, is committed to Messrs. Ripley, Cleveland, and Hooker, to be taken into a new draft, and Tuesday next, 11 o'clock, is assigned for its third reading.

A bill "to explain and amend the laws respecting Courts of General Sessions of the Peace."

In SENATE.

Read, and passed to be engrossed—and

Sent down for concurrence.

In this House it is read, and Tuesday, 12 o'clock, is assigned for its second reading, and in the mean time it is committed to Messrs. Stoddard, Ripley, and Moody of S.

Messrs. Bridge of C. and Caldwell, are put on the committee on the subject of Hops, instead of Messrs. Whittier and Barstow.

Bill to incorporate a town, by the name of Pownal, adjoining the town of Freeport.

Read once, and again, and Monday, 11 o'clock, assigned for a third reading.

Petition of Ezra Hansfield and Ann S. Davis, of the State of New York, assignees of certain contractors for divers townships of land, in the District of Maine, praying a further time of three years, to make the payments contracted to be made by those persons of whom the petitioners are the assignees.

In SENATE, February 11, 1808.

Read and committed to the committee on Eastern Lands.

Sent down for concurrence.

Read and concurred.

Petition of Robert Hallowell, in behalf of the trustees and assignees of John Vaughan of Philadelphia, on the same subject, and containing the same prayer, with the preceding petition.

In SENATE, February 11, 1808.

Read and committed to the committee on Eastern Lands.

Sent down for concurrence.

Read and concurred.

Committee appointed on Wednesday, 3d Feb. on petition of Harvey Pebbles, report a resolve, authorizing his discharge from prison, on payment of costs and prison charges. [In the course of the debate on the acceptance of the report, Mr. Hooker of Northampton, stated that the petitioner had fired a pistol at the head of a deputy Sheriff, which is the assault for which he is imprisoned.]

The resolve is read and passed.

Sent up for concurrence.

Committee (raised 9th Feb.) on the petition of Nathaniel Smith and others, directors of the Hatfield Bridge Corporation (praying for liberty to raise an additional sum by means of a lottery, with which the Legislature have heretofore indulged them), report "leave to withdraw."

Read, and not accepted—and

Ordered, That the petitioners have leave to bring in a bill.

Adjourned till Monday, 10 o'clock.

MONDAY, February 15, 1808.

Met according to adjournment.

Remonstrance of Israel Turner, Edward Durant, David Bautell, and Peter Snow, committee of the first parish in Fitsburg, against the petition of Porter Kimball and others.

In SENATE, February 11, 1808.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Committee on petition of Lewis F. Delesdernier and others, of Eastport, report leave to withdraw.

Accepted.

Resolve on petition of Ebenezer Poor, which passed this House, Feb. 2, 1808, granting him *four* thousand acres of land, was read in Senate, Feb. 13, and concurred, with an amendment at A. (viz. strike out "*four*," and insert "*three*.")

Sent down for concurrence.

Read and concurred.

Information being received at half past 10 o'clock, that the hon. Mr. Morton, the Speaker of this House, is unwell, and that he would not probably be able to attend to his official duties this day ;—

The House assigned eleven o'clock, for the purpose of coming to the choice of a SPEAKER, *pro. tem.*

Ordered, That the hon. Mr. Bacon, Col. Lewis, Gen. Eaton, Gen. Spur, Mr. Pickett, and Mr. Frothingham of Charlestown, be a committee to receive, count, and sort the votes for Speaker, when the hour shall arrive which the House have assigned for his election.

According to assignment, the House, at 11 o'clock, proceeded to the choice of a Speaker, *pro. tem.*

And the votes being received, it appeared that the whole number was 130—necessary to a choice 66 ; and that the hon. Jonathan Smith, jun. Esq. had 123. He was thereupon announced as chosen, and took the Chair.

Ordered, That Col. Turner go with a message to the hon. Senate to inform them that this House have elected the hon Jonathan Smith, jun. Speaker, pro. tem.

Also, that Mr. Thomas go with a similar message to the Governor and Council.

Ordered, That Mr. Allen of N. S. Mr. Smith of Boston, and Mr. Phelps of Chester, be a committee to enquire into the power and duties of County Treasurers ; and that they report by bill or otherwise.

Ordered, That Mr. Dickinson of Amherst, Mr. Eager of W. and Mr. Smith of G. be a committee to consider the expediency of providing by law for authorizing the Judge of Probate for the county of Hampshire, to hold his Court of Probate in towns in said county, other than those in said county, in which they are now held.

Petition of Richard Crouch.

In SENATE; Feb. 12, 1808.

Read and committed to the committee on Accounts.

Sent down for concurrence.

Read and concurred.

Petition of William King, B. J. Porter and others.

Read and committed to Messrs. Wood of W. Lewis of G. and Bridge of C. with such as the hon. Senate may join.

Sent up for concurrence.

Bill to establish an Academy at Warren, in the county of Lincoln.

Read once and again, and tomorrow, 10 o'clock, assigned for a third reading, and in the mean time committed to Col. Thatcher, Col. Turner, and Mr. Foxcroft.

Bill to divide the first precinct in New Bedford, in the county of Bristol.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to authorize J. L. Austin and others, to build a Bridge across Charles' River.

Read once and again, and Wednesday, 10 o'clock, assigned for a third reading, and committed to Messrs. Bangs, Dana of B. and Hawes of N. B.

Bill in the third reading to divide the town of Freeport, and incorporate a certain part thereof into a separate town by the name of Pownal.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to authorize the Directors of the Hatfield Bridge corporation, to raise an additional sum by means of a lottery.

Read once, and Wednesday next, 11 o'clock, assigned for a second reading.

Bill to establish an Academy at Belfast, by the name of the Belfast Academy.

Read a second time, and tomorrow, 10 o'clock, assigned for a third reading, and committed in the mean time to Messrs. Thatcher, Turner, and Foxcroft.

Committee to whom was referred the resolve in favor of H. G. Balch, Esq.—report the resolve as taken into a new draft.

Read once, and tomorrow, 10 o'clock, assigned for a second reading.

A MESSAGE FROM THE GOVERNOR.

“Gentlemen of the Senate, and

“Gentlemen of the House of Representatives,

“When I found that you had raised a committee to inquire into the public business before you, and to report a day on which the General Court should be adjourned, I became exceedingly anxious at the situation of the Commonwealth. This will be a sufficient apology for my troubling you with a message, which some may consider as being in its nature novel.

“Within a few days after the meeting of the legislature, I sent a message, urging the necessity of measures to defend our sea coast. In that message I informed the General Court, that I conceived an attempt to defend our principal towns and harbors by forts and garrisons, or even by batteries, would prove abortive, because we had neither funds or troops to maintain such a plan; that there were a number of pieces of heavy artillery in the arsenal, laying useless, which, if mounted on travelling carriages, would be more effectual against one or a few ships approaching with intention of depredation, pillage or insult, than

expensive batteries could be. I therefore requested that measures might be taken to have those cannon prepared.

"Though this project originated with myself, yet I have had the concurrent opinion of all the men of knowledge and experience on the subject, who have been within my reach. I intended, if I obtained leave to prepare these artillery, to have detached from the artillery an able man as commander of each piece, with a competent number of sub officers and privates, to compensate them by excusing them from other military duties ; to have divided them, with their pieces, in various parts of the State, as should be found most eligible ; but this cannot be introduced so as to obtain an act for the purpose before authority is given to prepare the cannon.

"Another proposal in that, or in a separate message, was the appointment of agents to attend to and advise the agents or engineers of the general government, should there be any commissioned to erect fortifications or batteries within the Commonwealth. I refer you to that message. You will pardon me, when I inform you, that the suggestion of a recess, before these and some other public concerns, were *effectually* attended to, has given me great anxiety.

"It is of as much consequence (perhaps more) to have definitive decisions on these subjects, if the proposals contained in them are rejected, as if they are complied with ; because, if they are rejected, some others, which will take time, must be brought forward. Our situation, in regard to more than one of the powers of Europe, is very critical and alarming. To be under the necessity to call the Legislature together again, during the existence of the present General Court, would be very disagreeable, and yet the spring may soon advance upon us, with such inauspicious appearances, as to render it necessary, unless effectual measures are taken for defence during the session.

"JAMES SULLIVAN."

"*Council Chamber, at Boston, Feb. 15, 1808.*"

In SENATE, Feb. 15, 1808.

Read and committed to Messrs. Hill and Thorndike, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Hooker, Davis, and Moody, are joined.

Bill authorizing the sale of Ministerial Lands in the town of Livermore.

Read in its second reading, and Wednesday next 11 o'clock, assigned for a third reading, and committed in the mean time to Messrs. Lewis, Davis of B. and Vinal.

House assigned Thursday, 11 o'clock, for the reading of a bill establishing a Land Office, &c. as taken into a new draft, and offered by the committee to whom the subject had been referred on Monday, 1st. Feb.

Committee on petition of Henry Dwight, agent, &c. report leave to bring in a bill.

In SENATE, February 15, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Nathan Smith and others, report an order of notice.

In SENATE, Feb. 15, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Nathan Kimball and others, report a resolve.

In SENATE, Feb. 15, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolved, That after Wednesday next this House will have two sessions in a day.

The House proceeded to reconsider their vote passing an act for dividing the county of Washington into two Districts, for the purpose of registering deeds and conveyances at Houlton Plantation.

The Governor's objections to said act, sent to this House on Tuesday, 9th Feb. were now read; and the question was put "*will the House, notwithstanding the Governor's objections, adhere to their vote respecting this bill?*" and it was decided unan-

imously in the negative—in manner prescribed by the State constitution.

Ordered, That Mr. Ripley, Col. Turner, and Mr. Lewis, be a committee to take the subject of said bill into consideration, and report a bill in such a manner, and on such principles, as to be less obnoxious to the Governor's objections.

Adjourned till 10 o'clock, Tuesday A. M.

TUESDAY, February 16, 1808.

Met according to adjournment.

The bill to incorporate certain persons, by the name of the Union Calvinistic Society in the South Parish in Abington, which had in this House passed to be engrossed—and been sent to the Senate for their concurrence : was in Senate read and concurred by them *as taken into a new draft*, which they have sent down for the concurrence of this House.

The new draft being read, this House concurred, and sent the bill *and the new draft* to the Senate.

The committee to whom was referred on the 11th Feb. the motion of Mr. Slocum, reported a resolve providing for paying the members of the Senate and House, for their *attendance, after the first twenty days* of the session, out of the Treasury of the State, in the same way and manner, as they are now paid for their *travel*.

This resolve was read once and considered ; *but not passed*.

A communication from the Quarter Master General, covering a letter from the Board of Health, mentioning certain articles necessary for the Hospital at Rainsford Island.

Read and committed to Messrs. Harris of C. Welles of B. and Brewer of R.

Committee on petition of Wm. Stanwood—report leave to bring in a bill.

In SENATE, Feb. 11, 1808:

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Columbia Selectmen—report leave to bring in a bill.

Accepted.

Committee on petition of T. Sanderson and others—report an order of notice.

In SENATE, Feb. 10, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of the executors of the will of Richard Devens—report a resolve.

Read and passed.

Sent up for concurrence.

Ordered, That the committee on Eastern Lands consider the expediency of extending the time of payment to settlers, on the Commonwealth's lands in the District of Maine, with leave to report by bill or otherwise.

Sent up for concurrence:

Bill, additional to the several acts securing to the owners of logs, masts, &c. commonly called prize logs, their property in the same.

Read a first and second time, and tomorrow, 11 o'clock, assigned for a third reading.

Committee on petition of Nathan Smith and others, owners of meadow lands—report an order of notice.

In SENATE, Feb. 15, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

A motion was made by Maj. Ulmer of Lincolnville, that there be raised a committee to consider the expediency of fining those towns which have not sent a representative to the present General Court.

The motion was negatived.

Committee on petition of Chester Smith and others, report a resolve.

Read and passed.

Sent up for concurrence.

The House proceeded to the consideration of the bill respecting the Courts, called "*General Sessions of the Peace*," and to change the name of said Courts, and revesting said Courts with certain powers which they have heretofore enjoyed.

Read a second time, and tomorrow, 10 o'clock, assigned for a third reading.

A message being announced ; the Secretary entered and delivered to the Speaker the following written objections to a resolve, passed in this House on Monday, the 8th Feb. 1808 :

"Gentlemen of the House of Representatives,

"I return by this message without my approbation, a resolve on the petition of Andrew Conant and others, which originated in your House ; and was laid before me on the 12th inst.

"My objections to the resolve do not arise from any knowledge I have of the subject in particular to which it refers, or to the persons who feel an interest in it ; but from the effect which I suppose it will have on the government of the militia, if the principles upon which it stands, are carried into general practice.

"The raising a troop of horse, in the 4th Reg. of the 1st Brigade, in the 6th Division, in itself simply considered, is not a measure of much consequence ; but the practice upon the principles, and the manner in which it is to be effected, are very important to the Commonwealth.

It is true, that the resolve contains nothing decisive, but only empowers the Governor, by and with the advice of the Council, to raise such a company of Cavalry. This, as the petitioners no doubt expect, and as is generally expected in other cases, will operate as a command on the Supreme Executive.

"Such resolves do not commonly arise from a request of the Commander in Chief, for an augmentation of his power, to effect that which he finds necessary to be done, for the organization, arrangement, and government of the Militia ; but from the request of persons who may have an interest very different from the general interest of the military department, to refuse a compliance with a resolve of the Senate and House, on a particular

case into which, (as it did not result from a request from the Governor and Council,) they must be supposed to have carefully enquired, would not be very respectful to them.

“The officers of our Militia are elective. In an elective government, the energy of authority results from an entire and quiet submission of the minority to the voice of the majority, in all cases where it is given according to the constitution and laws; yet such is the restless disposition of man, that an expectation of effecting a change before the legal termination of the power, will too often excite him to measures which would otherwise be considered as improper. The effect of this disposition is vastly more injurious in the government of the Militia, than in any other exercise of power. A military government, however mixed with, or modified by civil authorities, must be decisive, though not arbitrary. In all elections of officers, the minority must feel the pains incident to disappointment, and their leaders will often excite them to an attempt to gain new companies, or new regiments. I have no reason to believe this to be the case in the present instance. I speak on general principles; and the experience I have had in other cases, warrants me in the observation, that the practice tends to the destruction of all subordination. It was therefore wise in the government of the United States, to limit the number of Cavalry and Artillery to one eleventh part of the Infantry.

“This restriction is not regarded in the resolve, though the number of privates in the Companies are attended to. The act of Congress provides, that there shall be one troop of Horse only, to a Division of Infantry; our own act, that there shall be two only to a Brigade. This resolve provides for one Company in one Regiment. It is true that the legislature can repeal its own act, but the substantial reason on which the act was framed, as well as that of the more cautious act of Congress, cannot be repealed.

“The mischief of the legislature holding the door open for applications, in particular cases, has been hinted at. The constitution of the nation vests Congress with power of arranging, organizing and disciplining the Militia. By their act of May, 1792, the legislatures of the several states, have the authority to do it, but the mode is explicitly prescribed, and the whole is to be done within one year from the passing the act. If this does not preclude a constant exercise of power to alter and change, it strongly indicates the necessity of a military government, on permanent general principles. I therefore request the honorable

House to consider whether it is not better to empower the Governor and Council, by a general law, to increase the number of Cavalry, Light Infantry, and Artillery, as they may find it necessary and compatible with the laws of the United States, and a general system of rules, rather than to legislate on each particular from single petitions. There are instances where the Militia law of this state differs substantially from the laws of the United States by which our legislature received its authority. This evidently tends to weaken *the national union*; but these must be obeyed, because they are the laws of the Commonwealth.

“The increase of Cavalry has a further bad effect upon the defence of the country. It lessens the duty of providing muskets, which are the only fire arms of consequence in war. It takes from the ranks those privates who are able to dress themselves in uniform, and thereby destroys a useful emulation, and sinks the remaining infantry into a state of careless indifference. There is no man, instructed from theory, or experience in the science of war, but who will allow, that Cavalry are of but little use to our country. Horses not trained to the business (and we have none that are)—under riders not disciplined (and we have none that are)—can do nothing else than make confusion in an action. In an assault upon an enemy, the bayonet renders the Cavalry of no consequence; the sword is *their* only weapon; and there is no pretence that our Cavalry have any practical or efficient skill in the use of it. The expense of one hundred Cavalry, well mounted, will support at least three, if not four hundred Infantry; and there is nothing for them to do, but to perform acts of parade, or to pursue a flying broken enemy.---- Yet the increase of them will weaken the infantry, on which we *must* depend, and be in the way of our improving our means of defence, by the efficient manoeuvres of a flying Artillery.

“Congress has the power of organizing and disciplining the Militia of the United States. The strength of the nation depends essentially *on the uniformity of the discipline throughout the whole*. The House of Representatives of the Union, are now ardently engaged in a new plan of reform. The legislature here is engaged, as far as this State extends, in the same work. Why shall we not then wait for general systems, instead of employing ourselves in the minute particular cases, wherein the public good seldom has a share of consideration?

“I make no apology for the length of this draft. It is my duty to attempt to give the Militia a permanent government, on general military principles; which it never can have while the care of the legislature is open to each particular application.

" I take this opportunity to express these sentiments because I know there are many other applications of this nature in hand ; and that such will constantly arise ; and that this resolve will become a law, if I let it pass without objections ; should the legislature differ from me by an adherence to it, the principles will be settled, and I shall give them no more trouble on the subject ;—for I must confess that the evils I have attempted to suggest did not occur to me until I had made the government of the Militia my particular study.

" JAMES SULLIVAN."

" *Council Chamber, Feb. 15, 1808.*"

The following is the resolve referred to in the Message.

" COMMONWEALTH OF MASSACHUSETTS.

" *In the HOUSE of REPRESENTATIVES, Feb. 8, 1808.*

" On the petition of Andrew Conant and others, praying for liberty to raise by voluntary enlistment, a company of Cavalry within the 4th Regiment, 1st Brigade, and 6th Division of the Militia of this Commonwealth—

" Resolved, that his Excellency the Governor, with the advice and consent of Council, be and he is hereby authorized and empowered to raise, by voluntary enlistment, a company of Cavalry within said 4th Regiment, 1st Brigade, and 6th Division of the Militia of this Commonwealth. *Provided*, the standing companies in said 4th Regiment, are not thereby reduced below the number prescribed by law. Said company, when raised, to be attached to the squadron of Cavalry in said 1st Brigade and 6th Division ; and subject to all such rules and regulations, as are, or may be, provided by law, for governing the Militia of this Commonwealth.

" Read and passed.

" Sent up for concurrence.

" PEREZ MORTON, *Speaker.*

" *In SENATE, Feb. 12, 1808.*

" *Read and concurred.*

" SAMUEL DANA, *President.*"

The member from Mount Desert was excused for not attending at the commencement of the session.

Adjourned till tomorrow, 10 o'clock.

WEDNESDAY, *February* 17, 1808.

Met according to adjournment.

Committee to whom was referred the resolve on petition of H. G. Balch, report a new draft.

Read a second time and concurred, as taken into a new draft.

Sent up for concurrence.

Petition of Richard Meagher.

Read and committed to Messrs. Goodwin of C. Ripley of W. and Bangs of W.

Petition of a committee of the town of Orono, in behalf of said town, signed by John Bennock, Daniel Greeley, &c. by order of the town; praying that there may be more than one registry of deeds in the county of Hancock.

Read and committed to Messrs. Thomas of B. Lewis of G. and Thatcher of W.

Petition of the town of Bangor on the same subject.

Committed to the same committee.

Petition of Daniel Wilkins and others, respecting the manner in which ——— Vaughan sells and manages lands, and treats settlers in the District of Maine.

Read and committed to the committee on the petition of Robert Gray and others.

Sent up for concurrence.

Petition of William Tudor.

Read and committed to Messrs. Flagg of W. Hunnewell of B. and Ward of S.

Ordered, That no new petitions be received by this House after Monday next, the 22d of Feb.

Committee on Engrossed Bills report, as duly engrossed—the bill respecting the Union Calvinistic Society in Abington. It then passed to be enacted, and was

Sent to the Senate.

The account of Benjamin Heywood, agent or guardian of the Hassanamisco tribe of Indians, in Grafton.

Committed to Col. Flagg, Mr. Martin, and Maj. Jackson.

Petition of sundry persons in York, Cumberland, and Oxford Counties, complaining of banking companies, usurers, &c.

Read and committed to Messrs. Titcomb, Foxcroft, and Ripley.

Another petition on the same subject.

Committed to the same committee.

Petition of the corporation of Harvard College, setting forth their request (and reasons) that the legislature would suffer their real estate in Cambridge to be exempt from taxation.

Read and committed to the committee on the State Tax.

Bill to incorporate a number of the inhabitants in Marlborough into a religious society, by the name of "the Second Parish in Marlborough.

Read a third time, and ordered to lie on the table.

Bill to incorporate certain persons as Trustees of the Belfast Academy.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to incorporate certain persons as Trustees of the Warren Academy.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

The House proceeded to the third reading of the bill respecting the Courts of Sessions.

It is read a third time and passed to be engrossed in concurrence with amendments, as in the margin of the bill,

Sent up for concurrence.

Petition of Samuel Andrews and others.

In SENATE, February 12, 1808.

Read and committed to Messrs. Woodman and Thurston, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Col. Thatcher, Mr. Lewis of G. and Mr. Thomas are joined.

Petition of B. Dearborn and others, Inventors.

In SENATE, February 11, 1808.

Read and committed to Messrs. Spooner and ———, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Welles, Stoddard, and Dana, are joined.

Bill to incorporate J. L. Austin and others, as a corporation to build another Bridge across Charles' River.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Resolve apportioning the tax between Ballstown and Jefferson, which have lately been separated.

Read and passed.

Sent up for concurrence.

Bill authorizing the managers of the Hatfield Bridge Lottery to raise an additional sum.

Read a second time, and the question for reading it a third time, was decided in the negative. 66 Pro.—86 Con.

Mr. Dickinson of Amherst, notified the House of his intention to move for the reconsideration of this last vote,

Adjourned till Thursday, 10 o'clock.

THURSDAY, February 18, 1808,

Met according to adjournment.

The resolve passed in this House on the petition of H. Pebbles, is concurred in the Senate as taken into a new draft; which new draft is sent down for concurrence—and is now in this House

Read and concurred.

Committee on petition of Joseph F. Swan and others, to build a toll bridge at Saco—report leave to bring in a bill.

In SENATE, February 11, 1808.

Read and accepted.

Sent down for concurrence.

Read and ordered to lie.

The House assigned 4 o'clock this afternoon, for the choice of a gentleman to preach the next Election Sermon, before the various branches of the government.

On petition of G. Ulmer and others, (proprietors of Ducktrap bridge) a resolve as passed by the Senate came down at the last session, in favor of the petitioners. This House then non concurred said resolve. It is now moved by Mr. Thomas of Bangor that the House reconsider their vote of non concurrence, then passed ; and commit said petition and resolve to a committee of this House to consider and report thereon.

Said motion obtained, and Messrs. Lewis, Foxcroft, and Talman, were appointed the committee.

Mr. SPEAKER MORTON at half past ten o'clock, appeared in the House and resumed the chair.

A memorial from Benjamin Austin, respecting a certain doctrine contained in the charge of Chief Justice Parsons to the Grand Jury in Suffolk, Nov. 25, 1806.

Read and committed to a committee of seven, viz. Messrs. Bangs, Lewis, Ripley, Hooker, Cleveland, Moody of S. and Maj. Jackson.

Committee on petition of J. L. Austin and others, for establishing a new parish in Cambridgeport, so called—report leave to bring in a bill.

In SENATE, February 15, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Theophilus Cushing and others, praying for liberty to build bridges over Fore River and Back River ; and to lay out a new turnpike in a course as direct as possible, between Boston and Hingham—report leave to bring in a bill.

THURSDAY, FEBRUARY 18, 1808.

*Read and accepted.**In SENATE, Feb. 9, 1808.**Read and concurred.**Sent down for concurrence.*

The member from Weymouth made a motion for the reconsideration of this vote ; which motion, after some debate he withdrew.

Adjourned till 3 o'clock, P. M.

THURSDAY AFTERNOON, *February* 18, 1808.

Met according to adjournment.

Petition of Thomas Noyes and Israel Hunting, of Needham.

Read and committed to Messrs. Endicot of Dedham, Webb of Weymouth, and Lothrop of Cohasset.

Bill to incorporate certain persons in Marlborough, as a separate religious society by the name of the Second Parish in Marlborough.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to incorporate certain persons as the Third Congregational Society or Parish in Portland.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to authorize certain persons as trustees, to manage a certain fund for the benefit of School District No. 3, in the town of Blandford.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to incorporate a Society by the name of the Massachusetts Baptist Missionary Society.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Mr. Thomas of Bangor, offered a motion—

“That a committee be appointed to consider and report on the expediency of removing from office, by address to the Governor, Moses Copeland, Esq. a Justice of the Peace in and for the county of Lincoln, on certain charges exhibited against him by George Willington and others.”

Before a decision on the foregoing motion, Mr. Thomas consented to the following substitute, offered by Mr. Welles of Boston, viz.

“That a committee be appointed to consider and report the expediency of any further proceedings in the case of Moses Copeland, Esq.”

Mr. Welles' substituted motion was sustained, and the managers of the late impeachment against said Copeland, were appointed as the committee.

On motion of Mr. Brewer, it is

Ordered, That it be observed as a standing rule of this House, that at all times when any bills, resolves, or papers, of a public nature, are on the table of the Speaker, they shall be taken up and passed on, before those on any subject of a local or private nature.

According to assignment, the House proceeded to elect a Clergyman to preach the next election sermon ; and the votes being taken, it appeared that the Rev. THOMAS ALLEN, of *Pittsfield*, was chosen.

Petition of Zechariah Shed, for a change of his name.

Read and committed to the committee on Names.

Committee on petition of Benjamin Bangs of Hardwick, report an order of notice.

In SENATE, Feb. 12, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of Abiel Wood, jun. of Wiscasset.

Read and committed to Messrs. Talman of B. Ripley, and Lewis.

A message from his Excellency concerning the Eleventh Division of the Militia.

In SENATE, February 11, 1808.

Read and committed to Messrs. Ulmer and Hubbard, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Gen. Spur, Gen. Eaton, and Col. Turner are joined.

A MESSAGE FROM THE GOVERNOR.

"Gentlemen of the Senate, and

"Gentlemen of the House of Representatives,

"By the advice of the Council I inclose to you an application of the Keeper of the State Prison, at Charlestown, communicating a request of the men who attend as watchmen there, to be exempted from military duties, as privates in militia companies.

"JAMES SULLIVAN."

"Council Chamber, 10th Feb. 1808."

In SENATE, February 11, 1808.

Read and committed to the committee who have under consideration the Governor's communications respecting the Militia.

Sent down for concurrence.

Read and concurred.

The message from his Excellency, which was received in this House on Tuesday the 16th instant, containing his objections to the Resolve on petition of A. Conant, &c. was read, and the resolve was again considered; and the question was put—"Will the House still adhere to their vote for passing the resolve on the petition of Andrew Conant and others, notwithstanding the Governor's objections?"—and it was decided, according to the Constitution, by yeas and nays, in the negative.

Those who voted in the affirmative are—

*Suffolk—John Winslow,
Benjamin Whitman.*

*Cumberland—Joseph Titcomb,
Lothrop Lewis.*

Plymouth—Ephraim Spooner, Hancock—Philip Ulmer.

Those who voted in the negative are—

- | | |
|--------------------------------------|--------------------------------------|
| <i>Suffolk</i> —William Smith, | <i>Middlesex</i> —Jason Chamberlain, |
| William Brown, | Joseph Chandler, |
| Jonathan Hunnewell, | Bill Russell, |
| John Welles, | Timothy Wakefield, |
| Edward Tuckerman, | Samuel Jaques, |
| Stephen Codman, | William Simonds, |
| Simon Elliot, | Thomas Fletcher, jun. |
| Benjamin Goddard, | Isaac Wright. |
| Thomas Danforth, | |
| Charles Davis. | <i>Hampshire</i> —John Hooker, |
| | William Eaton, |
| <i>Essex</i> —John Hathorne, | Eliakim Phelps, |
| William Cleveland, | David Smith, |
| Joseph Winn, | Samuel F. Dickinson, |
| John Prince, | Varney Pearce, |
| Nathan B. Martin, | Medad Alexander, |
| Ebenezer Hart, | Josiah Cobb, |
| Nathan Felton, | Solomon Stoddard, jr. |
| Abner Chapman, | Thaddeus Clap, |
| Thomas Gage, jun. | Jonathan Smith, jun. |
| Josiah Little, | Joseph Forward, |
| Stephen Howard, | Abraham Granger, |
| Thomas Perley, | William Knox, |
| Samuel Webster, | Martin Phelps, |
| Nathaniel Hammond, | Hez. Newcomb, jun. |
| James Smiley, | |
| Benjamin Osgood. | <i>Plymouth</i> —Nathaniel Goodwin, |
| | John Faunce, |
| <i>Middlesex</i> —Nathaniel Hawkins, | Bailey Hall, |
| Samuel Butterfield, | Nathan Gurney, jun. |
| Nathaniel P. Watson, | Charles Turner, jun. |
| Josiah Mason, jun. | |
| Nathaniel Hall, | <i>Bristol</i> —Jones Godfrey, |
| Jonathan Oakes, | Elkanah French, jun. |
| Abner Sanderson, | Daniel Hale, |
| Ebenezer Hobbs, | John Tisdale. |
| Samuel Hoar, | |
| William Hunt, | <i>Barnstable</i> —Ebenezer Lothrop, |
| Jacob Reeves, | John Freeman, |
| John Loring, | David Nye, |
| Walter M'Farland, | Benjamin Bangs. |

Worcester—Samuel Flagg,
Edward Bangs,
John Spurr,

Joseph Adams,
Jonas Sibley,
Eleazer Leland,
Jonah Howe,
James Keyes,
James Longley,
Eli Stearns,
Silas Holman,

Joseph Bowman, jun.
Elijah Caldwell,
John M'Clanathan,
Jonas Whitney,
Samuel Gibson.

Berkshire—Zenas Wheeler,
John Picket,
Joseph Wilson,
John Nichols,
Jared Bradley,
George Conant,
Josiah Newell,
Amos Holbrook,
Samuel H. Wheeler.

Norfolk—John Endicot,
Samuel H. Dean,
Daniel Ware,
Ephraim Chenery,
Jeremiah Daniels,
Benjamin Hayden, jr.
Christopher Webb,
Samuel Day.

York—Alexander M'Intire,
John Storer,
David Legro,
John Leighton,
David Marston,

York—Joseph Woodman,
William Moody.

Cumberland—William Jenks,
John Jones,
Samuel Butts,
Benjamin Larrabee,
George Hight,
Robert Given,
Joseph E. Foxcroft.

Lincoln—Abiel Wood, jun.
David Murray,
Simon Elliot,
James Perkins,
Edward Jones,
John Neal.

Kennebeck—Joshua Gage,
Samuel Moody,
Samuel Jewet,
Simon Dearborn, jun.
Daniel Lothrop, jun.
John Hovey,
Moses Carr,
Elnathan Sherwin,
Thomas Eldred.

Hancock—Caleb B. Hall,
William Vinal,
Ebenezer Frye,
Seth Kempton,
James Thomas.

Oxford—Elias Stowell,
John Turner,
Nathaniel Perley,
John M'Millan.

Washington—Oliver Shead.

A message from his Excellency the Governor—

“Gentlemen of the Senate, and

“Gentlemen of the House of Representatives,

“By this message I transmit to you the statement of the Treasury, as it stood on the first day of January, 1808—which has been laid before the Governor and Council by the Treasurer.

“JAMES SULLIVAN.

“Council Chamber, February 12, 1808.”

“STATE OF THE TREASURY OF MASSACHUSETTS,

“THE FIRST DAY OF JANUARY, 1808.

“Due from the Commonwealth, viz.—

On warrants on the Treasury files,	\$3,366 48	
On do. for gratuities to Soldiers,	360	
On Committee on Accounts' Rolls		
unpaid,	795 69	
On due bills and orders of antient		
date,	6,365 13	
On Representatives' Rolls of do.	62 2	
On Witness and Jurors' Rolls of		
ditto,	1,296 22	
		\$.
Unpaid January 1st, 1808, of first instalment		12,245 54
of public debt, payable 1st January, 1803,		7,648 32
Unpaid, at this date, of second instalment of		
the same, payable 1st January, 1804,		8,165 91
Interest remaining due January 1st, 1808, on		
funded public debt,		31,452 6
Balance of funded debt unprovided for,		856,600 18
On consolidated and army notes, bills of the		
new emission outstanding, and which may		
be returned agreeably to the act making pro-		
vision for the public debt, estimated at		102,939 19
On rolls for six and three months' pay to the		
Continental Army, in 1780, and on Militia		
and Navy rolls, supplies to Soldiers' families		
and abatement to sundry towns on the New		
Emission Tax, (so called)		20,610 73
		<hr/>
		\$1,039,661 93

"Due to the Commonwealth, viz.

On State Tax issued for the year

	1802, £.	38 66
ditto,	1803,	38 66
ditto,	1804,	22 66
ditto,	1805,	283 32
ditto,	1806,	24,053 6
ditto,	1807,	171,570 52

 £. 196,006 88

On executions in the hands of the

Sheriffs, viz.

Bailey Bartlet, Esq. Sheriff,

Essex County,	£. 550 48
Joseph Hosmer, Esq. Middlesex,	841 9
Eben'r Mattoon, Esq. Hampshire,	5700 22
Tho's W. Ward, Esq. Worcester,	2334 73
George Partridge, Esq. Plymouth,	407 47
Zephaniah Leonard, Esq. Bristol,	1195 1
Joseph Dimmick, Esq. Barnstable,	256
Ichabod Goodwin, Esq. York,	904 39
Benj. C. Cutler, Esq. Norfolk,	812 58
Simon Larned, Esq. Berkshire,	2043 27
John Waite, Esq. Cumberland,	869 3
Edmund Bridge, Esq. Lincoln,	1242 4
Mason Shaw, Esq. Hancock,	642 94
John Cooper, Esq. Washington,	498 40
Arthur Lithgow, Esq. Kennebec,	994 40
David Learned, Esq. Oxford,	1024 31
Benj. Smith, Esq. Dukes' County.	146 59

 £. 20,462 95

 Remaining on bonds and notes for lands sold,
 and deposited in the Treasury Office pre-
 vious to June, 1802, inclusive of interest,

75,973 94

 Remaining on bonds and notes promiscuously
 given, previous to June, 1802, and exclusive
 of interest,

1,506 30

 Remaining on bonds and notes given since June,
 1802, exclusive of interest,

48,383

Amount carried up— £. 342,333 07

Amount brought up— £.342,333 07

Remaining unpaid on funded six per cent. stock of the United States, and belonging to the Commonwealth January 1st, 1808,	459,780 16
ditto on three per cents.	252,229 15
Interest and reimbursement on said stock, due and payable 1st January, 1808,	21,968 76
Cash on hand, January 1st, 1808,	140,200
	<hr/>
	£.1,216,511 14

TOMPSON J. SKINNER, TREASURER.

February 1st, 1808.

Capital Stock in Union Bank, belonging to Commonwealth,	£.400,000
ditto in Boston Bank, ditto,	600,000
	<hr/>
	£.1,000,000

The following letter was received with the foregoing message and statement :—

“ Treasury Office, February 10, 1808.

“ The Treasurer has the honor to enclose to his Excellency the Governor, a statement of the Treasury, the first day of January, 1808—for the Executive, as well as Legislative Department of the Commonwealth.

“ The Governor will please to make Communication of the same to the Honorable General Court, when he shall deem it most proper.

“ The Treasurer subscribes, with the highest esteem and

“ respect, his Excellency’s most obedient servant,

“ TOMPSON J. SKINNER.”

In SENATE, February 13, 1808.

Read and committed to the joint committee appointed to settle with the Treasurer.

Sent down for concurrence.

Read and concurred.

Adjourned till 10 o’clock, tomorrow.

FRIDAY, February 19, 1808.

Met according to adjournment.

Dr. Mitchell offered the following motion :—

“That a committee be appointed to consider the expediency of passing a law for the further benefit of insolvent debtors, to report by bill or otherwise.”

Said motion was sustained, and Dr. Mitchell, Mr. Titcomb, and Mr. Brown of B. were appointed the committee.

The vote of non concurrence of this House, in the vote of the Senate (accepting the report of the joint committee, and giving leave to Eben Parsons and others, to bring in a bill to build a new bridge between Boston and South Boston) together with the order of this House giving leave to the petitioners to withdraw their petition, on Feb. 12th sent to the Senate for their concurrence, came back to this House with the following order subjoined :

“In SENATE, February 17, 1808.

“Read and non concurred, and the Senate adhered to their own vote—and it was ordered by the Senate, that Messrs. Coffin, Eggleston and Ulmer be a committee, on the part of the Senate, to confer with such committee, as shall be appointed on the part of the House, on the subject of difference of opinion, between the two branches, on the subject of this report.

“Sent down for concurrence.

“SAMUEL DANA, President.”

Read and concurred ; and Col. Crosby, Gen. Eaton, and Mr. Moody of Saco, are joined.

Ordered, That Dr. Mitchell, Mr. Titcomb, and Mr. Brown of Boston, with such as the hon. Senate may join, be a committee to take into consideration, the expediency of passing a law for the further benefit of Insolvent Debtors ; and report by bill or otherwise.

Sent up for concurrence.

The House proceeded to the consideration of the bill entitled,

"an act to establish a Land Office, under the direction of commissioners, for the sale and settlement of the public lands."*

This bill is a new draft, offered by the committee to whom a former bill on this subject had been committed, (after it had been read twice.)

It is now considered, as in its second reading ; and is read and passed by sections.

Ordered, That this bill be read a third time ; and 4 o'clock this day is assigned for its third reading.

Adjourned till 3 o'clock, P. M.

FRIDAY AFTERNOON, *February* 19, 1808.

Met according to adjournment.

Petition of Jared Bradley, in behalf of the Tenth Massachusetts Turnpike, praying that one of the toll gates on said turnpike may be located differently than it is at present.

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Committee on petition of the Taunton and New Bedford Turnpike corporation, by James Sproat—report leave to bring in a bill.

In SENATE, Feb. 13, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Joseph Wales—report a resolve.

Read and passed.

Sent up for concurrence.

Bill respecting the Cambridge and Concord Turnpike, which was under consideration at the last session—is now called up, and committed to Messrs. Slocum, Smith of W. S. and Goodwin.

* This subject was under consideration on the 20th Jan. 1st Feb. and 15th Feb.

A returned order of notice and the report of a viewing committee on the petition of Wm. Eaton and others.

In SENATE, February 18, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

The petition of Daniel Wilkins and others.

In this House, 17th Feb. committed to the committee on the petition of R. Gray and others.

In SENATE, February 18, 1808.

Read and committed, with an amendment, viz. dele "on the petition of R. Gray and others," and insert Eastern Lands.

Sent down for concurrence.

Read and concurred.

Committee on petition of John Baxter and others—report an order of notice.

In SENATE, Feb. 13, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Order of notice passed at the last session on the petition of Samuel Fowler, for himself and associates, respecting the Turnpike road from Westfield to Pittsfield.

In SENATE, Feb. 18, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Bill to extend the jurisdiction of Justices of the Peace in civil actions, to the amount of thirty dollars.

Read a second time, and Tuesday next, 11 o'clock, assigned for a third reading.

A bill from the Senate in addition to the act authorizing the building of a Bridge across Charles' River, by the name of "Canal Bridge."

Read a first and second time, and Tuesday next, 11 o'clock, assigned for a third reading.

A bill from the Senate, entitled—"an act for the limitation

of certain real actions, and for the equitable settlement of certain claims arising in real actions."

Read a first time, and Tuesday next, 11 o'clock, assigned for a third reading.

The House postponed the third reading of the bill "to establish a Land Office," &c. until Tuesday next, 11 o'clock.

"The committee of both Houses appointed to consider certain resolutions of the legislature of Vermont, have attended that service, and ask leave to report the following Resolves.

"Which are submitted.

"AARON HILL, *per order*."

"COMMONWEALTH OF MASSACHUSETTS.

"In SENATE, Feb. 11, 1808.

"*Resolved*, That the Senators and Representatives of this Commonwealth, in the Congress of the United States be, and they are requested to use their best endeavors to procure such an Amendment to the Constitution of the United States, as will empower the President of the United States, to remove from office any of the Judges of the Courts of the United States, upon an address to him made for that purpose, by a majority of the House of Representatives, and two thirds of the Senate, in Congress assembled.

"*Resolved*, That the Governor be, and he hereby is requested, to transmit the foregoing Resolution to each of the Senators and Representatives from this Commonwealth, in the Congress of the United States; also to the Governor of the State of Vermont, to be laid before the General Assembly of that State."

"*Read and passed.* *Sent down for concurrence.*"

Read, and Wednesday next, 11 o'clock, is assigned for the consideration of the foregoing Resolves.

The Committee appointed to examine the accounts, &c. of the Quarter Master General report a Resolve—discharging him from all sums drawn by him by virtue of warrants of the Treasury, and making an appropriation to enable him to meet the probable expenses of his Department for the year ensuing.

In SENATE, Feb. 6, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Memorial of Charles Vaughan vindicating himself against the charges of injustice contained in the petition of Daniel Wilkins and others.

Read and committed to the committee on Eastern Lands.
Sent up for concurrence.

Resolve on the petition of Nathaniel Dummer, John Lord and Ichabod Goodwin allowing them \$248,71.

In SENATE, February 13, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Porter Kimball and others respecting religious matters in Fitchburg—report leave to bring in a bill.

In SENATE, February 18, 1808.

Read and accepted.

Sent down for concurrence.

Read and ordered to lie.

Committee of both Houses appointed to consider the expediency of directing the Treasurer to subscribe the amount of ten certificates of the 6 per cent stock, to the new stock, &c.—

Report a resolve authorizing the Treasurer to subscribe to a certain amount, for a new loan opened at the Loan Office of the United States.

Read and passed.

Sent up for concurrence.

Adjourned to 10 o'clock tomorrow morning.

SATURDAY, February 20, 1808.

Met according to adjournment.

Committee to whom was referred the petition of Walter M^rFarland, Esq. agent for the towns of Hopkinton and Upton—report a bill respecting the registering of deeds in Hopkinton and Upton, and to confirm the records of certain deeds in said towns.

Read a first and second time, and Tuesday next, 11 o'clock, assigned for a third reading, and committed to Mr. Little of Newbury.

Committee on the petition of Abiel Wood, jun. and Moses Carlton, jun.—report leave to bring in a bill.

Accepted.

Committee on petition of Porter Kimball respecting religious matters in Fitchburg—report leave to bring in a bill.

In SENATE, Feb. 18, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Ordered, That the bill, entitled “An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions,” be printed as it has come down from the Senate.

Resolve on petition of Ephraim Bruce, which went to the Senate for concurrence, came down concurred, as taken into a new draft—in which this House concur.

Resolve for paying the Clerk who may be employed to transcribe the Old Colony laws, &c. by the Commissioners appointed to superintend the selection and printing of said Colony laws.

Read and committed to Messrs. Bangs, Whitman, and M^rFarland.

Committee on petition of John Allen praying for further time of payment of a certain note given for eastern land—report a resolve.

Read and passed.

Sent up for concurrence.

An order for instructing the committee on Eastern Lands to consider the expediency of granting further time to the settlers on lands of the State in the District of Maine, which went to the Senate for concurrence, came down concurred as taken into a new draft—

Which is now read, and committed to Messrs. Cleveland, Davis, and Thomas of Bangor.

Committee on petition of Mr. Levi Bates and Mr. Josiah Bemis—report its reference to Col. Rice, the agent under whom they did the services for which they claim pay.

Accepted; and ordered accordingly.

Sent up for concurrence.

Committee on petition of Nahum Waite and Alpheus Davis, respecting the settlement of a certain estate—report a resolve for allowing them a sum of money.

Read, and Tuesday next, 11 o'clock, assigned for its consideration.

Petition of J. Woodman and others, the agents of Buxton and Phillipsburgh, praying legislative aid in repairing a certain bridge in the county of York.

In SENATE, February 19, 1808.

Read and committed to the committee on Turnpikes, &c.

Sent down for concurrence.

Read and concurred.

Committee on petition of Jonas Whitman—report an order of notice.

In SENATE, February 19, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Daniel Hodges and others—report leave to withdraw.

In SENATE, Feb. 18, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of J. F. Swan and others—report leave to bring in a bill.

In SENATE, February 11, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Zephaniah Jones and others—report an order of notice.

In SENATE, February 18, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Henry Norton and others—report leave to bring in a bill.

In SENATE, February 17, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Ezekiel Thompson, agent, &c.—report leave to bring in a bill.

In SENATE, Feb. 17, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Paul Dudley and others—report an order of notice, and appointment of a viewing committee.

In SENATE, Feb. 13, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Ordered, That Messrs. Welles, Smith of W. S. and Talman of B. be a committee to consider the expediency of paying a part of the notes of this State by an installment, on the first day of July next.

Committee on petition of Thomas Tisdale—report an order of notice.

In SENATE, February 11, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

The resolve for distributing the surplus printed volumes of laws now in the Secretary's office, which was passed in this House, 9th Feb. and was sent for concurrence to the Senate—came down.

“ In SENATE, February 18, 1808.

“ Read and non concurred.”

The resolve is now read again, and committed to Mr. Moody of Saco, Col. Turner, and Mr. Brewer of R. and it is ordered that said committee be authorized to enquire what ought to be done with the various copies of the constitution, &c. now in the Secretary's office.

Committee on petition of Eliakim Hull.

In SENATE, Feb. 12, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Committee on petition of 14th Massachusetts Turnpike corporation—report leave to bring in a bill.

In SENATE, Feb. 11, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of John Dole and others—report leave to bring in a law.

In SENATE, February 15, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of Chesley Hatch and others, praying to be incorporated as a company of Light Infantry, and for permission to distinguish themselves in the times of their country's perils.

Read and committed to the committee on Military applications.

Petition of Daniel Hamant, praying his son may be called *Caleb Strong Hamant*.

Read and committed to the committee on Names.

Committee on the statement of the Treasury—report an order that 400 copies of said statement be printed for the use of members.

In SENATE, February 19, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of Nath. Wells jun. and others, selectmen of Wells.

Read and committed to the committee on Accounts.

Sent up for concurrence.

Committee on petition of Elijah Kimball and others—report a resolve.

In SENATE, Feb. 15, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of Samuel Fowler and others, recommitted to Mr. Gibson and others.

Committee on petition of the inhabitants of Fryeburg, respecting parsonage lands, and praying permission to sell them—report leave to bring in a bill.

In SENATE, February 11, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Eben. Clark and others—report leave to bring in a bill.

In SENATE, Feb. 13, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Abner Libbey and others—report leave to bring in a bill.

In SENATE, Feb. 11, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Bill to incorporate certain persons, proprietors of a new Meeting House in Newburyport, and fourth parish in that town.

Read a second and third time, and passed to be engrossed.

Sent up for concurrence.

The committee on Engrossed Bills—report as duly engrossed, “An act to explain and amend the laws respecting Courts of General Sessions of the Peace.”

Also—“An act to incorporate a number of the inhabitants of the town of Marlborough, in the county of Middlesex, into a religious society by the name of the Second Parish in Marlborough.”

Both which passed to be enacted.

A MESSAGE FROM THE GOVERNOR.

"Gentlemen of the Senate, and

"Gentlemen of the House of Representatives,

"By this message you have a communication made to me by the Marshal of the United States for this District ; who is under commission to purchase lands within it, for national fortifications. It will be seen by his letter that doubts arise on the construction of an act passed by the legislature of this Commonwealth on the 25th day of June, 1798, entitled, "*an act providing for a cession of Castle Island in the harbor of Boston to the United States, and for other purposes therein mentioned.*" In the 2d section there is a provision that the United States may "purchase an island in the harbor of Boston, called Governor's Island ; and also a tract of land, not exceeding six hundred and forty acres," &c. and that in a proviso in the same section, there is an implied cession of jurisdiction by a reserve of a concurrent jurisdiction for the Commonwealth. This manner of expression raises a doubt in the minds of officers of the United States, who are good judges, whether a part only of that island can be purchased.

"The intention of this message is to induce the legislature to pass an additional act, enacting and providing, that it is ceded and granted, that the United States may purchase any part of the same island, and hold and improve the part so purchased, as, by the act to which this is in addition, they might the whole ; and that the same act shall and hereby is extended to such part so purchased, as it would be to the whole, if the whole of said island was so purchased.

"JAMES SULLIVAN."

"Council Chamber, Feb. 20, 1808."

A letter from Mr. Prince, Marshal of the Massachusetts District of the United States, addressed to the Governor, and by him sent with the foregoing message.

"Boston, February 20, 1808."

"SIR,

"I take leave respectfully to state to your Excellency, that being instructed by the Secretary of War, to enter into an arrangement for the purchase of a part of Governor's Island in this harbor, to erect a Fort for the more effectual protection of the town ; a question has arisen whether the laws of the Commonwealth,

ceding the entire jurisdiction of the island to the United States, would be in force under a partial purchase, and to request (as the legislature is now in session) such amendments to that act as the contemplated purchase might make necessary.

"I have the honor to be, with the highest respect,

"Your Excellency's most humble obedient servant,

"JAMES PRINCE."

"The foregoing message was read and (together with the accompanying letter) committed to Messrs. Bangs of Worcester, Davis of Boston, and Ripley of Winslow, with such as the hon. Senate may join.

"Sent up for concurrence.

"PEREZ MORTON, *Speaker*.

"In SENATE, February 22, 1808.

"Read and concurred, and Messrs. Gore and King are joined.

"SAMUEL DANA, *President*."

Petition of Elisha Hutchinson, guardian.

Read and committed to Mr. Whitman, Col. Turner, and Mr. Cleveland.

Petition of Wm. Athearn, claiming to be Town Clerk of the town of Tisbury.

In SENATE, Feb. 9, 1808.

Read and committed to the committee on New Trials.

Sent down for concurrence.

Read and concurred.

Committee on petition of Wm. Stevens and others—report leave to bring in a bill.

In SENATE, February 15, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Benjamin Whitwell and others—report leave to bring in a bill.

In SENATE, February 12, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Returned order of notice on petition of J. D. Tucker and others.

In SENATE, Feb. 11, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Committee on petition of William Blanchard—report leave to withdraw.

In SENATE, Feb. 13, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Benjamin Hall, agent of the Medford Turnpike corporation—report leave to bring in a bill.

In SENATE, Feb. 15, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Thomas Andrews—report a resolve.

In SENATE, Feb. 15, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Pelatiah Came and others—report leave to bring in a bill.

In SENATE, Feb. 13, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on accounts of Benjamin Heywood—report a resolve.

Read and passed.

Sent up for concurrence.

Committee on petition of Eleazer Ayres and others—report an order of notice.

In SENATE, February 20, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Ancel Tupper—report an order of notice.

In SENATE, February 20, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition or memorial of Samuel Belknap.

In SENATE, February 20, 1808.

Read and committed to the committee on the petition of Joseph Ward.

Sent down for concurrence.

Read and concurred.

Ordered, That Messrs. Hooker, Bangs, and Lewis, be a committee to consider the expediency of vesting the Supreme Judicial Court with the power of enforcing a specific performance of trusts in regard to real estates ; or affording relief in such cases, in such way and manner as said Court shall deem just and equitable—with liberty to report by bill or otherwise.

The committee on the petition of James Prentiss, guardian, &c. praying permission to sell the estate of certain minors—report a resolve.

In SENATE, Feb. 20, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred with an amendment at A, B.

Sent up for concurrence.

Committee on petition of Joshua Follansbe—report an order of notice.

In SENATE, Feb. 20, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of Oliver Chapin, and resolve thereon.

In SENATE, Feb. 20, 1808.

Read and passed.

Sent down for concurrence.

Read and committed to Mr. Cleveland, Col. Wade, and Mr. Lewis of G.

Committee on petition of Charles Holmes—report leave to withdraw his petition.

In SENATE, February 20, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of George Bruce and Charles Bruce, for an alteration of their names.

Read and committed to the committee on Names.

Adjourned till Monday morning, 10 o'clock.

MONDAY, February 22, 1808.

Met according to adjournment.

Petition of Luther Goddard and others, to be established as a Rifle Company in Spencer.

Read and committed to the committee on similar matters.

Petition of Samuel Freeman, Judge of Probate of Cumberland.

Read and committed to Col. Lewis, Mr. Heath, and Maj. Goodwin of Charlestown.

Petition of the heirs of Michael Cooms, an absentee, residing at Marblehead, and elsewhere, praying to be restored to the forfeited rights of their ancestor, the said absentee.

Read and committed to Messrs. Winn of Salem, Brown of Boston, and Dr. Mitchell.

Petition of Ebenezer Cheney, praying relief from a certain decree of the Judge of Probate for Worcester County.

Read and committed to the committee on New Trials.

Sent up for concurrence.

Petition of Gorham Parsons and others, proprietors of the Newburyport turnpike corporation.

Read and committed to the committee on Turnpikes, &c.
Sent up for concurrence.

Petition of John Coates and others, proprietors of township No. 3, in Washington county.

Read and committed to the committee on Eastern Lands.
Sent up for concurrence.

Petition of Nathan Wood and others, proprietors of the Berkshire glass manufactory.

Read and committed to Messrs. Wheeler of L. Caldwell of Barre, and Phelps of Chester.

Petition of Samuel Fales and others, for a bank in Taunton.

Read and committed to Messrs. Bangs of W. Wheeler of L. and Godfrey of T.

Petition of William Brown, agent for the first parish of Fitchburg.

Read and committed to the committee on Parishes.
Sent up for concurrence.

In SENATE, Feb. 18, 1808.

Ordered, That Messrs. Phillips of E. and Ulmer, with such as the hon. House may join, be a committee to prepare and report a resolve for the payment of the officers and witnesses who attended the Court of Impeachment in the case of Moses Copeland, Esq. by the direction of the Court.

Read and passed.

Sent down for concurrence.

Read and concurred, and Messrs. Foxcroft, Car of O. and Thatcher are joined.

The committee on petition of Elijah Baker and others report a resolve appointing a committee to examine the facts set forth in the petition.

In SENATE, Feb. 18, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Petition of William Southgate, administrator.

Read and committed to Messrs. Wheeler of L. Flagg, and Dickinson of Amherst.

Estimate of a tax for the county of Worcester, together with all necessary vouchers and accompanying documents.

Read and committed to the committee on similar matters.

Committee on petition of John Tufts and others—report a resolve for establishing a select Company of Grenadiers, in Brookfield and Western. The resolve is read and referred to the next session.

Committee of this House on petition of Thaddeus Whipple—report an order of notice.

Read and passed.

Sent up for concurrence.

Committee on County Estimates, report a resolve for a tax for Washington.

Read and passed.

Sent up for concurrence.

Committee of this House on petition of the inhabitants of Grafton—report an order of notice.

Read and passed.

Sent up for concurrence.

The committee on the resolve for paying the Clerk employed by the Secretary, to transcribe the Old Colony Laws—report it inexpedient at present to pass said resolve—

And their report is accepted.

Committee on petition of Thomas Noyes and Israel Hunting—report a resolve.

Read and passed.

Sent up for concurrence.

Committee on petition of John Wilson and others—report a resolve for raising a Company of Light Infantry in Beverly.

Read and referred to the next session.

Committee on petition of Archibald Hopkins and others—report a resolve for establishing a company of Cavalry in Becket and Tyringham.

Read and referred.

Committee on petition of A. F. Field—report leave to withdraw.

Accepted.

Committee on petition of James Brewer and others, of Freeport—report a resolve.

Read and referred.

Committee on petition of Joseph Parsons and others—report a resolve.

Read and referred.

Committee on petition of Daniel Wild and certain other persons, in behalf of the builders of the Meetinghouse in Boston, for the use of the Africans——report a resolve for their relief, granting them acres of land.

Read, and recommitted to Messrs. Welles and Little.

A REPORT AND RESOLVE FROM THE SENATE ;

made and proposed by a single committee of that honorable body.

“The committee to whom was referred “the report* of a committee appointed to explore and survey a rout for a water communication from the harbor of Boston, through the towns of Weymouth, Abington, Bridgewater, Raynham, by Taunton river, Narraganset Bay, to Long Island Sound.”—Report,

“That the committee appear to have executed the duties of their commission with great accuracy and fidelity, and that their report and plan contains much valuable information, and demonstrates the union of the harbor and sound to be practicable in the course surveyed.

“Your committee are destitute of the documents and information which would enable them to decide whether the proposed rout be the most eligible of any that may be discovered, and are not prepared to recommend the undertaking of this pro-

* See Appendix.

ject at the public expense. They however indulge a hope, that the survey now made will invite the attention of the public, and of enterprising citizens to this useful employment ; and for this purpose they recommend the following resolve, which is submitted.

"H. G. OTIS, *per order*."

"*Resolved*, That the report of William Taylor and Eliphalet Loud, who were appointed by a resolve of the General Court, in March, 1806, "to explore and survey a rout for a water communication from the harbor of Boston to Long Island Sound," be printed in the Independent Chronicle and Columbian Centinel, and all the other newspapers in which the Laws of the Commonwealth are published ; and that said report, and the plan accompanying the same, be carefully preserved on the files of the General Court ; and that the committee who performed said service, present their accounts to the committee on Accounts for allowance.

"*In SENATE, February 18, 1808.*"

"*Read and passed.*"

"*Sent down for concurrence.*"

"*In the HOUSE of REPRESENTATIVES, Feb. 22, 1808.*"

"*Read and concurred.*"

Resolve on petition of Samuel Fowler and Justice Ely.

Read and passed.

Sent up for concurrence.

Petition of Hugh Williamson, by William Sullivan, his attorney, respecting the property of C. W. Apthorp, in the District of Maine.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

A resolve, as reported by the committee, on the petition of William Donnison, Adj. Gen. is read and referred to the committee on accounts ; who are instructed to allow him what they, in equity, may consider him entitled to receive for his services as Adj. Gen. during a certain time mentioned in said resolve.

Sent up for concurrence.

Bill to incorporate Peleg Talman and others, as a corporation for the purpose of Marine Insurance in Bath.

Read once and again, and Thursday next 11 o'clock assigned for a third reading.

Bill determining the places of holding the Probate Court in the county of Hampshire, and repealing all laws heretofore made on this subject."

Read once, and again ; and tomorrow, 11 o'clock, assigned for a third reading—and committed to Messrs. Smith and Stoddard.

Bill in the third reading, as reported by a committee, entitled, "An act supplementary to the act providing and regulating prisons."

Read as in its third reading, and passed to be engrossed.
Sent up for concurrence.

Agreeable to notice given by Mr. Dickinson of Amherst, on Wednesday, 17th February—

He moved, That the House would reconsider their vote then passed against giving a third reading to the bill for authorizing the Managers of Hatfield Bridge Lottery to raise an additional sum.

The House thereupon reconsidered their vote passed on Wednesday, 17th February ; and

Ordered, That said bill have a third reading at 4 o'clock this day.

Bill to establish the Proprietors of a new Meetinghouse in Saco.

Read a third time, and passed to be engrossed.
Sent up for concurrence.

Petition of Wm. Tudor—

Read and committed to Messrs. Flagg and Hunnewell, with such as the hon. Senate may join.

Sent up for concurrence.

Bill from the Senate to establish a Methodist Society in the town of Poland—

Read once and again, and Thursday next, 11 o'clock assigned for a third reading.

An act additional to the act establishing the 16th Massachusetts Turnpike Corporation—

Read once and again ; and again—and
Passed to be engrossed. Sent up for concurrence.

MONDAY, FEBRUARY 22, 1808.

Petition of Seth Kempton and James Thomas.

Read and committed to the committee on Eastern Lands.

Sent up for concurrence.

Bill from the Senate to give the district of Alfred, in the county of York, the rank and privileges of a town.

Read once and again, and again—and

Passed to be engrossed.

Sent up for concurrence.

Resolve on petition of Thomas Gardner.

In SENATE, Feb. 13, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on engrossed bills report, as duly engrossed, "An act to establish an academy at Warren, by the name of the Warren Academy."

It then passed to be enacted.

Bill to incorporate the trustees of the School Fund in Columbia, Washington county.

Read a first time, and Wednesday, 4 o'clock, assigned for a second reading.

Adjourned till 3 o'clock, P. M.

MONDAY, AFTERNOON, *February* 22, 1808.

Met according to adjournment.

The bill to establish an academy at Belfast, came down from the Senate, with certain amendments proposed by the Senate, for the concurrence of the House—in all of which this House concur.

"The committee to whom was referred a resolve from the Senate, on the petition of Elisha Hutchinson, guardian of John

Hutchinson, have attended that service and unanimously ask leave to report, that it is improper and inexpedient to pass said resolution, which is respectfully submitted.

“ BENJAMIN WHITMAN, *per order*.”

This report is read and accepted.

Said resolve, which was passed in the Senate 13th February, is now non concurred, and sent back to the Senate.

Committee on petition of Ebenezer Niles and others—report leave to bring in a bill.

Accepted.

Ordered, That Messrs. Jones of U. Bangs of W. and Wheeler of L. be a committee to see if any, and if any, what alterations ought to be made in the act entitled “ An act in addition to an act, entitled, an act to provide for the instruction of youth, and for the promotion of education,” and that they report by bill or otherwise.

The House proceeded to consider the bill, entitled “ An act establishing a Judicial Department,” offered and read by Mr. Whitman of Boston, on Monday the first of February—[See page 104]—and after debate, the question was put, *Shall this bill be read a third time?* and it was decided in the negative—40 for, 90 against it, 130 present.

This vote is forthwith reconsidered, so far as to suffer the bill to stand referred to the next session, for consideration—84 for, 41 against it, 125 present.

The bill to allow the managers of the Hatfield Bridge Lottery to raise an additional sum to complete their bridge.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Committee on petition of Archibald McNeil—report leave to withdraw.

Accepted.

Bill to authorize the sale of certain ministerial lands in the town of Livermore, as reported in a new draft by the committee—

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Committee on petition of John Farley and others, made a report, the consideration of which is postponed till tomorrow 10 o'clock.

Bill to authorize the building a toll bridge over Connecticut River, between Mill Brook and Prindle's Ferry, in Northfield.

Read a first and second time, and tomorrow, 3 o'clock, assigned for a third reading, and committed to Mr. Smith of W. S. Fisher of W. and Tuckerman of Boston.

Petition of Joseph Woodman and returned order of notice.

In SENATE, February 22, 1808.

Read and committed to Messrs. Mc'Lellan and Woodman, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Hall, Moody, and Carr are joined.

The Bill which was sent from this House for the Senate's concurrence, incorporating Thomas Baldwin and others, as a Baptist Missionary Society, came down concurred, with amendments, in which this House concur.

Adjourned till 10 o'clock tomorrow morning.

TUESDAY, February 23, 1808.

Met according to adjournment.

The time for presenting new petitions having yesterday elapsed—

Mr. Hunnewell had special permission granted him to lay on the table the petition of Samuel Gore and others, in behalf of the proprietors of the Glass Manufactory in Boston.

Read and committed to the committee on a similar application (*Nathan Wood and others.*) from the county of Berkshire, viz. Messrs. Wheeler of Lanesborough, Caldwell, and Phelps of Chester.

Bill to incorporate certain persons by the name of the Dorchester Mill Corporation.

Read a first and second time, and Thursday, 11 o'clock, assigned for a third reading.

Committee to enquire into the expediency of granting further time of payment to the settlers on the Commonwealth's lands—report a resolve as taken into a new draft.

Read and passed.

Sent up for concurrence.

Petition of Caleb Norwood, jun. and others, of Gloucester.

Read and committed to Mr. Lewis of G. Dr. Holden of D. and Mr. Mower of W.

Petition of Daniel Davis, Esq. Solicitor General.

Read and committed to Mr. Stoddard, Col. Turner, and Mr. Day of Wrentham.

Petition of the selectmen and overseers of the poor in Barre.

Read and committed to Messrs. Phelps of C. Little of Newbury, and Longley of Boylston.

Bill to incorporate the proprietors of India Wharf in Boston.

Read once, and tomorrow, 11 o'clock, assigned for a second reading; and committed to Messrs. Davis, Callender, and M'Farland.

Committee on petition of Samuel Fowler and others, to be incorporated as a Turnpike Corporation—report an order of notice; and appointment of a viewing committee, consisting of Messrs. Egleston, J. Smith, jun. and Day.

In SENATE, Feb. 22, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Order of notice on the petition of the inhabitants of Grafton, came down from the Senate, concurred with amendments by them proposed, in all of which this House concur.

At 11 o'clock the House proceeded to consider the bill by the Senate passed to be engrossed, on Feb. 18, 1808, and sent down for the concurrence of this House, entitled,

“An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions.”

This bill had on Friday the 19th, been read once in this House; and this day and this hour was assigned for the second reading of said bill.

This bill is accordingly now read for the second time, and tomorrow, 11 o'clock, assigned for its third reading.

Mr. Dickinson of Amherst, moved “That a committee be appointed to consider whether any and what alterations or amendments may be expedient respecting the law regulating licensed houses—and report by bill or otherwise.”

This motion was read, and ordered to lie on the table.

The House proceeded to consider the bill entitled “An act to establish a Land Office, under the direction of commissioners for the sale and settlement of the public lands.”

This bill is now read for the second time; and

Ordered, That the further consideration thereof be postponed, till the first session of the next General Court.

A similar order was passed on the bill, entitled “An act to provide for the payment of the public debt of this Commonwealth.”

The House proceeded to the consideration of a bill, entitled “An act in addition to an act entitled an act for incorporating certain persons for the purpose of building a bridge over Charles' River, by the name of the Canal Bridge, and for extending the interest of the proprietors of West Boston Bridge.”

Read a third time; but before the question was put, *Shall this bill pass to be engrossed, in concurrence with the Senate?* the House

Adjourned till 3 o'clock, P. M.

TUESDAY AFTERNOON, February 23, 1808.

Met according to adjournment.

Committee on petition of the agents of the town of Plymouth—report a resolve.

In SENATE, Feb. 23, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

The petition of Mary O'Neil, is by special permission laid on the table.

Also—petition of Luther Richardson.

The House resumed the unfinished business of the forenoon. On the question for engrossing the bill which came from the Senate, entitled, "An act in addition to an act for incorporating certain persons for the purpose of building a bridge over Charles' River, by the name of the Canal Bridge, and for extending the interest of the proprietors of West Boston Bridge"—

Ordered, That Messrs. Ripley and Wheeler be a committee to consider said bill, and sit and report forthwith.

Mr. Thomas of Bangor, offered the following motion:—

"Ordered, That Salem Town, Esq. agent for the sale of the nine townships of land bought of the Penobscot Indians, and belonging to this Commonwealth, be directed to lay before this House an account of his doings, during his agency, to this date."

This motion is ordered to lie on the table.

Committee on petition of S. Freeman, Judge of Probate of Cumberland—report a resolve.

Read and passed.

Sent up for concurrence.

Committee on petition of Joshua Davis, for a divorce—report leave to withdraw.

In SENATE, February 22, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

TUESDAY P. M. FEBRUARY 23, 1808.

Same committee on petition of Gaius Smith—report leave to withdraw.

Read and accepted.

In SENATE, Feb. 22, 1808.

Read and concurred.

Sent down for concurrence.

Committee on petition of Joseph Hoyt and others, for a toll bridge over Merrimack River—report leave to withdraw.

Read and accepted.

In SENATE, Feb. 22, 1808.

Read and concurred.

Sent down for concurrence.

Committee on petition of Daniel Wilkins and others—report leave to withdraw.

Read and accepted.

In SENATE, Feb. 22, 1808.

Read and concurred.

Sent down for concurrence.

Committee on petition of Charles Vaughan and Robert Hallowell—report a resolve granting them further time to perform the settling duties on certain purchases of land in the eastern country.

In SENATE, February 23, 1808.

Read and passed.

Sent down for concurrence.

Read and committed to Messrs. Thatcher, Whitman, and Callender.

Committee on the petition of John Farley and others, praying that a law may be passed making it the duty of three or more of the Judges of the Supreme Judicial Court to attend and hold said court in all the counties—report, that the petitioners have leave to bring in a bill.

Not accepted.

Committee on petition of Jonathan Bixby and others, proprietors of mills on Charles' River, in Needham, Newton, and Watertown—report leave to bring in a bill additional to the act heretofore passed in their favor.

In SENATE, February 23, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Joint committee on the several petitions for an alteration in the law for the inspection of hops—report leave to withdraw.

In SENATE, February 23, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

The petition of John Coates and others, which went from this House yesterday, committed to the committee on eastern lands, came down *concurred with an amendment*, viz. dele “*eastern lands*,” and insert Mr. Otis and Mr. Ulmer, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Lewis of Gorham, Carr of Orrington, and Brewer, are joined.

Petition of Abraham Russell and others—and returned order of notice thereon.

In SENATE, February 23, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Bill respecting the records of deeds and conveyances in Hopkinton and Upton.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Committee on petition of John Baxter, president of the Hartford and Dedham Turnpike Corporation—report an order of notice.

In SENATE, February 23, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

The order of notice on petition of Thaddeus Whipple, passed in this House yesterday—came down from the Senate concurred with amendments, in which this House concur and return the order.

A resolve passed in the Senate, Feb. 18, on petition of Nahum Waite and Alpheus Davis—and report of the Attorney General thereon.

Read and committed to Messrs. Eager, Little, and Nichols.

Committee on Engrossed Bills, report as duly engrossed “An act to give the district of Alfred, in the county of York, the rank and privileges of a town.”

It is now passed to be enacted.

Bill to incorporate the inhabitants of the easterly part of Cambridge, as a separate parish at Cambridgeport.

Read first and second time, and tomorrow, 11 o'clock, assigned for a third reading.

The committee of both Houses on the subject of new trials, to whom was referred the petition of John Waite, a member of this House—made a report and resolve for staying the judgment against said Waite, and granting that he may be tried again by a new jury.

In SENATE, February 23, 1808.

Read and passed.

Sent down for concurrence.

Read, and tomorrow, 10 o'clock, assigned for its consideration.

Committee on petition of Samuel Andrews and others—report leave to bring in a bill.

In SENATE, Feb. 23, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Park Hall and others, respecting the Plantation of Eddington, &c.—report leave to bring in a bill for incorporating said Eddington as a town.

In SENATE, Feb. 23, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Petition of Luther Richardson.

Read and committed to the committee on New Trials.

Sent up for concurrence.

Petition of Mary O'Neil of York county, a widow of a deceased alien, who had purchased real estate in this Commonwealth; and stating that the merciless creditors of her husband, attempt to deprive her of her dower; and requesting that the State may possess itself of her husband's land, rather than suffer it to be wholly appropriated to pay her late husband's debts.

Read and committed to Messrs. Wheeler of L. Parsons of C. and Bangs of W.

Committee on petition of John Wells—report a resolve in his favor.

Read and passed.

Sent up for concurrence.

Adjourned to 10 o'clock tomorrow morning.

WEDNESDAY, *February* 24, 1808.

Met according to adjournment.

Mr. Perley of Boxford, has special permission to lay on the table the

Petition of Samuel Spafford of Boxford or Rowley, in Essex county, praying to be set off from Rowley and annexed to Boxford.

Read and committed to the committee on Towns.

Sent up for concurrence.

Bill from the Senate respecting Parishes and Precincts, and the officers thereof.

Read a first, second, and third time, and passed to be engrossed, in concurrence with the Senate.

Bill regulating the times and places of holding the Courts of Probate, in Hampshire county.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

The House resumed the consideration of the report and resolve in favor of John Waite, on his petition for a new trial.

In SENATE, February 23, 1808.

Read and passed.

Sent down for concurrence.

This report and resolve was read in this House yesterday afternoon ; and its consideration was postponed till this morning 10 o'clock.

The report is as follows—

“ The committee of both Houses, appointed to consider applications for new trials, to whom the petition of John Waite, for a new trial was recommitted, ask leave to report the following resolve, which is humbly submitted.

“ AARON HILL, *per order.*”

“ COMMONWEALTH OF MASSACHUSETTS.

“ *In SENATE, February 23, 1808.*

“ Whereas it appears that John Waite of Falmouth, in the county of Cumberland, yeoman, at the last Supreme Judicial Court begun and holden at Portland, in said County, on the second Tuesday of October, in the year of our Lord one thousand eight hundred and seven, was indicted, and on the plea of “ *not guilty*,” tried by the jury of trials, and found guilty of falsely altering a certain accountable receipt for money, signed by one Benjamin Richardson, by inserting the words “ *in full* ;” and also, for publishing said altered and counterfeit receipt as true, to one John Frothingham, Esq. knowing the same to be altered, with an intent to defraud the said Benjamin ; which verdict, of said jury, has been recorded by said Court ; and said indictment stands continued for final judgment, or sentence, until the next term of said Court, to be holden within and for said county ; and it appears that since the trial, aforesaid, the said John Waite, has discovered new evidence which is material in his defence, and has petitioned this Court, that he may be tried anew by a fair and impartial jury of his country—

“ *Therefore Resolved*, That the verdict of said jury, recorded in said Court, declaring the said John *guilty* of the offences stated in said indictment, be, and the same is hereby stayed, arrest-

ed, and wholly set a side ; and that the issue aforesaid may be tried anew, by other jurors, to be afresh impannelled by the Justice of said Supreme Judicial Court.

Read and passed.

Sent down for concurrence.

Read and concurred.

On motion of Col. Turner,

Resolved, That the Clergyman who shall preach the Election Sermon, on the last Wednesday of May, 1808, shall be allowed and paid out of the Treasury of this Commonwealth, the sum of fifty dollars.

Read and passed.

Sent up for concurrence.

Ordered, That Col. Thatcher, Messrs. Ripley and Stoddard, be a committee to enquire into the expediency of authorizing the Justices of the Supreme Judicial Court, at any term, to liberate any prisoner, who may be confined in jail, under sentence for a criminal offence, after the term of imprisonment, prescribed by the sentence, shall have expired ; and when the offender shall stand committed only for not paying a fine and cost, or either of them, in any criminal prosecution ; and that the said committee have power to report by bill or otherwise.

Committee on petition of Joseph Small and others, of Wales Plantation—report leave to withdraw.

In SENATE, Feb. 23, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Ephraim Bradley and others—report an order of notice and appointment of a viewing committee.

In SENATE, Feb. 24, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of the inhabitants of the town of Jay—report leave to bring in a bill.

In SENATE, February 23, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Robert Isley and others, praying for a bridge to be established between Portland and Cape Elizabeth—report leave to withdraw.

In SENATE, February 23, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Bill from the Senate, entitled “An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions.”

Read a third time, and considered.

But before the question “*Shall this bill pass to be engrossed, in concurrence with the hon. Senate?*” was put, the House

Adjourned till 3 o'clock, P. M.

WEDNESDAY, P. M. February 24, 1808.

Met according to adjournment.

Bill for establishing a toll Bridge across Connecticut River at Northfield.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to allow Porter Kimball and others, to leave one religious society in Fitchburg, and annex themselves to another religious society in said town.

Read first and second time, and tomorrow, 11 o'clock, assigned for third reading.

The House reconsidered their vote giving leave to Archibald McNeil to withdraw his petition; it being stated, that said

McNeil has obtained new evidence to substantiate his claim, since his petition was under the consideration of the House.

The said petition is thereupon recommitted to the committee who reported that he have leave to withdraw. Mr. Coffin, Maj. Jackson and Col. Turner, are the committee.

The House resumed the unfinished business of the forenoon, viz. the consideration of the bill from the Senate entitled "An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions."

And now this bill having had three several readings in this House, passed to be engrossed, in concurrence with the hon. Senate—118 for this vote, 44 against it.

The Messenger brought from the Senate and laid on the Speaker's table the following proceedings of Senate, viz.

"The joint Committee to whom was referred the communication of his Excellency the Governor, of the 11th instant, relative to the appointment of a Major General, ask leave to report,

"That it is expedient that the Senate and House of Representatives, should proceed to the election of a Major General, to command the eleventh division of the Militia of this Commonwealth, in the county of Lincoln; and that a day be assigned for that purpose.

"G. ULMER, per order."

"Feb. 20, 1808."

"In SENATE, Feb. 20, 1808.

"Read and accepted, and Wednesday next is assigned to come to the choice in the Senate."

"In SENATE, February 24, 1808.

"According to assignment, the Senate proceeded to the choice of a Major General for the eleventh division of the Militia of this Commonwealth, when the hon. William King was elected.

"Sent down for concurrence.

"SAMUEL DANA, President."

The foregoing proceedings of Senate, together with the message* on which they are founded, being read and considered—this House assign Thursday, 25th of February, 12 o'clock, for the purpose of coming to the choice of a Major General to command the Eleventh Division of the Militia ; so far as it depends on this House to make the election.

* The following message was minuted as the first entry on page 168.

"Gentlemen of the Senate, and

"Gentlemen of the House of Representatives,

"By this message I transmit to you an order passed by the Governor (with the advice and consent of the Council) for forming a new Division in the Militia of the Commonwealth—(numbered THE ELEVENTH DIVISION.) I request that the hon. Senate and House will, as soon as convenient, proceed to the election and appointment of a Major General for the same Division ;—that a complete organization and arrangement of it may be effected.

"JAMES SULLIVAN."

"Council Chamber, Feb. 11, 1808."

"Council Chamber, Feb. 10, 1808.

"The Governor laid before the Council for their advice, the Petitions from the Field Officers of the Eighth Division of the Militia, praying for a new arrangement in said Division ; and that a new Division may be formed in the county of Lincoln, wherein the following Regiments, according to the lines of those Regiments, (to be numbered as follows) are, with the Cavalry and Artillery within the same district, to constitute the Eleventh Division of the Militia of the Commonwealth, and to form two Brigades, viz.

FIRST BRIGADE.

1st Lt. Col. COBB,
2d Lt. Col. PAYSON,
3d Lt. Col. ROGERS,

} Regiments

SECOND BRIGADE.

1st Lt. Col. WATERS,
2d Lt. Col. THATCHER.

"That the Eighth Division, consisting of the following Regiments, to be numbered as follows, be formed into two Brigades, viz.

FIRST BRIGADE.

1st Lt. Col. FILLEBROWN,
2d Lt. Col. SPRAGUE,
3d Lt. Col. GOULD,

} Regiments

SECOND BRIGADE.

1st Lt. Col. SHERWIN,
2d Lt. Col. JONES.

"The bounds of the several Regiments in each Division to remain as they now are, until altered by some future order, (notwithstanding there is a small variation from the lines of the two counties aforesaid.)

"The Cavalry and Artillery to belong to the Brigades respectively in which those corps are situated.

"Thereupon the Council advised His Excellency to form the same Division as above described, and to make the foregoing arrangement.

"A true extract from the Records of the Council.

"Attest.

JONATHAN L. AUSTIN, Secretary."

"Boston, February 11, 1808.

"The Council having advised His Excellency the Governor to form a new Division in the Militia of the Commonwealth, to be numbered the Eleventh Division therein, as described in the foregoing extract from the Council Records ; it is thereupon ordered by the Governor, that the said Eleventh Division is accordingly hereby established. Other necessary orders for subordinate arrangements will be issued by the Commander in Chief, as soon as a Major General of the same Division shall be appointed, commissioned, and qualified, as the constitution and laws direct.

"JAMES SULLIVAN."

"By order of the Commander in Chief,

"WILLIAM DONNISON, Adjutant General."

The House proceeded to the second reading of the bill (reported by the committee appointed at the last session, on the subject of Salaries) entitled

“An act for establishing salaries of a fixed and permanent value for the Governor, Lt. Governor, Judges of the Supreme Judicial Court, Attorney General, Solicitor General, Treasurer, Secretary, Reporter, Adjutant General, and Quarter Master General of this Commonwealth ; and repealing all laws heretofore made for that purpose.”

Read a second time, and

Ordered, That the further consideration of this bill be postponed until the first session of the next General Court. 100 for this vote—70 against it. Whole number present 170.

The committee appointed on the subject of a State Tax for 1808, report a bill, entitled

An act to apportion and assess a tax of one hundred and thirty three thousand three hundred and two dollars and fifty two cents ; and providing for the reimbursement of thirty six thousand one hundred and thirty two dollars, paid out of the public treasury to the members of the House of Representatives for their attendance at the two last sessions of the General Court.

Maj. Russell and Mr. Tallman had each of them permission to lay a petition on the Speaker's table—for special reasons offered to the acceptance of the House.

Adjourned till Thursday, 10 o'clock.

THURSDAY, *February* 25, 1808.

Met according to adjournment.

Bill from the Senate to incorporate Peleg Tallman and others, as an Insurance Company in Bath.

Read a third time and passed to be engrossed in concurrence, with amendments at A, and at B.

Sent up for concurrence.

Committee on petition of Oliver Chapin,* and resolve thereon, (authorizing the sale of Lottery Tickets in this State) which came from the Senate, for the concurrence of this House—report, that it is not expedient that this House concur with the Senate in their resolve.

Read and ordered to lie for the present.

Committee on petition and resolve, which came from the Senate, in favor of Nahum Waite and Alpheus Davis—report, that it is expedient that this House concur with the Senate and pass said resolve without amendments. Said resolve is then

Read and concurred.

A bill to incorporate sundry persons into a company by the name of the President, Directors and Company of the Massachusetts Annuity Fund.

Read a second time, and the question “*Shall this bill have a third reading?*” was decided in the negative.

Committee on petition of the selectmen and overseers of the poor in Barre—report its postponement till the next General Court, that the petitioners may have an opportunity to procure further evidence.

This House, on motion of a committee of this House, concur in the new draft proposed by the Senate, 19th Feb. of an order of this House of the 16th Feb.

The order of this House had been committed in Senate, who reported a new draft, as follows:

“Resolved, *That Mr. Otis and Mr. Ulmer, with such as the hon. House may join, be a committee to consider whether any, and if any, what measures ought to be adopted for extending the term of settlement to purchasers of lands from the Commonwealth in the District of Maine; and the terms of payment to settlers on said lands; and for commuting the obligations to make settlements for money, or other public services—with liberty to report by bill, resolve, or otherwise.*”

And now in this House said proposed new draft is

Read and concurred, and Col. Turner, Mr. Moody of Lowell, and Mr. Ripley are joined.

* The petitioner had previously offered a petition on the same subject, during this session, and had leave to withdraw.

The committee to whom was committed on Tuesday afternoon, the bill entitled

“An act in addition to an act entitled an act for incorporating certain persons for the purpose of building a bridge over Charles’ River by the name of the Canal Bridge, and for extending the interest of the proprietors of West Boston Bridge”—now make report of sundry amendments to said bill, which are all adopted.

Mr. Davis of Boston, makes a motion in writing, for an amendment to said bill, in the form of an additional section, as follows :

“Sec. 7. *Be it further enacted*, That the said commissioners, before they proceed to the execution of the duties imposed on them by this act, shall, each of them, make oath before some Judge of the Supreme Judicial Court, that he has no particular interest as to the location of said bridge ; and that he will, in all respects, faithfully and impartially discharge his duties as commissioner. And in case such oath be neglected, or be refused to be taken by any one of the commissioners, to be appointed as aforesaid, he shall be considered as having declined serving, and his place vacated, and the Governor and Council shall appoint a suitable person or persons to fill such vacancy or vacancies, who shall take and subscribe the oath, as aforesaid.”

Negatived. 51 for it—92 against it.

This bill having now been read three times in this House, the question is put, *Shall this bill pass to be engrossed in concurrence with the Senate (except as the House have agreed to amend it) ?* And the question was decided in the affirmative. For it 111—against it 67—178 present.

Said bill as amended, is sent to the Senate for their concurrence in the amendments adopted by the House.

On motion of Mr. Longley of Boylston,

Ordered, That a message be sent to the Senate, to request them to send to this House the petition of Deliverance Houghton, and the papers which accompany it.

Mr. Longley was deputed by the Speaker to do the message.

The House assigned 4 o’clock this day, for the purpose of filling a blank in the bill respecting the location of Canal Bridge, with the names of commissioners to be appointed on the part of this House, to decide on the location for which the bill is intended to provide.

The committee of the House of Representatives, appointed to confer with the committee from the hon. Senate, on the subject of the disagreement between the two Houses, concerning the report of a committee in favor of granting leave for a bridge, to be erected *from South Boston to Sea Street*, in old Boston, have had several conferences on this subject ; and ask leave to report, That the conferrees not having found arguments which could bring them to an agreement, your committee are of opinion that this House ought not to recede from their doings on the question.

OLIVER CROSBY, *per order*.

The foregoing report is read, considered, and accepted.

Agreeably to assignment, the House proceeded to give in their votes for the Major General to command the eleventh division of the militia. And the votes being received, it appeared that the whole number was 179, of which the hon. William King has 122, and was elected in concurrence with the hon. Senate.

Dr. Phelps of Chester, has permission to lay a petition on the table.

On motion of the committee ; the petition of the town of Dalton, respecting the apportionment of its taxes, is ordered to lie for further evidence.

A communication from Governor Sullivan, covering one from Governor Langdon, requesting that a certain piece of ground in York County may be ceded to the United States, for the purpose of being fortified.

In SENATE, Feb. 24, 1808.

Read and committed to Messrs. Hill and Thorndike, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred,

And Gen. Elliot, Col. Turner, and Col. Hawkins are joined.

An act to annex certain persons to the second society in the town of Fitchburg.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Adjourned till 3 o'clock, P. M.

THURSDAY, AFTERNOON, *February 25, 1808.*

Met according to adjournment.

Bill in the third reading, authorizing Ebenezer Niles and others, to build a dam across Mill Creek in Dorchester.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Committee on petition of Abraham Russell—report leave to bring in a bill.

In SENATE, February 25, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

On motion of Col. Turner,

Ordered, That the committee on accounts, be, and they hereby are directed to receive no new accounts after Monday next.

Sent up for concurrence.

Bill from the Senate to incorporate the Social Insurance Company.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Mr. Smith of W. S. of the Committee to whom was referred the petition of the Cambridge and Concord Turnpike Corporation, together with a bill in their favor, which had passed to be engrossed in the Senate, at the last session ; but had been non concurred in the House ;—reports, that said bill ought to pass with an amendment, which said committee propose to introduce into said bill.

Laid on the table.

Bill from the Senate to establish the Hingham and Quincy Bridge and Turnpike Corporation.

Read a first time, and tomorrow, 10 o'clock, assigned for a second reading, and committed to Messrs. Winn, Coffin, and Hunnewell.

According to assignment, the House proceeded to elect three Commissioners, whose names are to be inserted in the bill respecting the Canal Bridge ; who are, in conjunction with those already elected by the Senate, (viz. hon. Mr. Phillips of Essex, and Mr. Childs of Berkshire) to determine the location of Canal Bridge ;—and the votes being received, it appeared that Charles Turner, Samuel H. Wheeler, and Silas Holman, Esquires, were elected. The House accordingly ordered that their names be inserted in the bill aforesaid ;—which was done by the Speaker.

Bill from the Senate incorporating the inhabitants of Cambridge Port, into a separate Parish or Religious Society.

Read a third time, and passed to be engrossed, in concurrence.

Bill to establish one other place at which the Court of Probate shall be holden within and for the County of Norfolk.

Read a first, second, and third time, and passed to be engrossed.

Sent up for concurrence.

Bill from the Senate, to preserve Salter's Beach, and the meadow thereto adjoining, in the town of Duxbury.

Read a first and second time, and tomorrow, 11 o'clock, assigned for a third reading.

Sent up for concurrence.

Bill from the Senate in addition to the act respecting conditional Pardons.

Read a first time, and tomorrow, 10 o'clock, assigned for a second reading, and committed to Major Davis and others.

The consideration of the proposed resolutions of the Senate, on a communication from the State of Vermont, for a certain alteration of the Constitution of the United States, is postponed till tomorrow, 11 o'clock.

Bill for extending the jurisdiction of Justices of the Peace in civil actions.

Read a third time and passed to be engrossed.

Sent up for concurrence.

Adjourned to Friday, 10 o'clock.

FRIDAY, Feb. 26, 1808.

Met according to adjournment.

Ordered, That Mr. Griswold, Mr. Phelps of Chester, and Mr. Wheeler of L. be a committee to consider the expediency of so far altering the law regulating licensed houses as to allow the Courts of Sessions to license Innholders and Retailers, when it shall be sufficiently proved to the Court that the selectmen have unreasonably refused their approbation.

In SENATE, February 25, 1808.

Ordered, That the Secretary notify the Governor that the two branches of the legislature have elected the Hon. William King, a Major General, to command the 11th Division of the Militia of this Commonwealth.

Sent down for concurrence.

Read and concurred.

Additional bill to secure to owners their property in logs, masts, spars and other timber in certain cases——

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill from the Senate to incorporate certain persons as a Religious Methodist Society in Poland, Minot, and New Gloucester.

Read a third time, and passed to be engrossed, in concurrence.

Bill incorporating the proprietors of a certain new meeting house belonging to the first Baptist Society in Newburyport.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

On the petition (and resolve from the Senate, in favor of George Ulmer and others,) for aid in building Ducktrap Bridge; which resolve was non concurred in this House in June last, and at this session committed to Messrs. Lewis and others, of this House;—The committee now report their recommendation that this House reconsider their vote of non concurrence, passed in June last; and now concur with the Senate.

Whereupon said Resolve is read again and the House concur with the Senate.

Resolve on petition of Joseph Wales, came from the Senate concurred with an amendment, in which this House concur.

Committee on all military applications offered in this House this session for select companies, report their reference to the next session. Accepted.

Committee on petition of C. Norwood, jun. and others, report its reference to next session. Accepted.

Report of a viewing committee on petition of Cornelius Durant and others.

In SENATE, February 24, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Remonstrance against petition of Cornelius Durant and others.

Read and committed to the committee on Turnpikes.

Sent up for concurrence.

Committee on petition of James D. Tucker and others, report an order of notice.

In SENATE, Feb. 25, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve on petition of C. Gannet and J. Mellen, guardians.

In SENATE, Feb. 25, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Ordered, That Messrs. Flagg, Wheeler of L. and Goodwin of C. be a committee to consider the propriety of making further provision for the Judges and Registers of Probate, with leave to report by bill or otherwise.

Resolve on petition of Lemuel Winslow guardian.

In SENATE, Feb. 25, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

By permission, Mr. Bangs of W. offered the petition of Joseph Stone, who had recognized for a criminal, who had run away and deserted him ; praying longer time to pay the forfeited recognizance in which he is bound to the Commonwealth.

Read and committed to Messrs. Flagg and Little.

Committee on petition of Luther Richardson—report an order of notice.

In SENATE, Feb. 25, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Bill from the Senate, to preserve Salter's Beach and Meadow adjoining thereto, in the town of Duxbury.

Read a third time, and passed to be engrossed, in concurrence with the Senate, with an amendment at A.

Committee on the bill respecting conditional Pardons ; report the same without amendment.

It is now read again ; and passed to be engrossed, in concurrence.

Mr. M^cFarland moved that this House reconsider their vote passed yesterday afternoon, by which the bill for extending the jurisdiction of Justices of the Peace, in civil causes, was passed to be engrossed.

The Speaker informed the House, that the bill was yet on the Speaker's table, not sent to the Senate for their concurrence.

The vote was thereupon reconsidered, and the bill was committed to Messrs. M^cFarland, Carr, and Parsons of C.

Committee on petition of Charles Vaughan and Robert Hallowell—report a resolve granting a further time of five years to settle their lands in the District of Maine.

In SENATE, Feb. —, 1808.

Read and passed.

Sent down for concurrence.

Read and committed to Messrs. Thatcher, Whitman, Callender, Carr, and Thomas.

Mr. Thomas was deputed on a message to the Senate, to request them to send to this House, the petition of Nathaniel Chamberlain and others, provided the Senate have not acted on it.

Petition and resolve in favor of Deliverance Houghton, which was sent by request of this House from the Senate, is now referred to the next session.

A message from the Governor.

"Gentlemen of the Senate, and

"Gentlemen of the House of Representatives,

"The Governor and Council have examined the accounts of the Superintendant of the State Prison, up to the first day of last December, and find that there was then due to him, a balance of one thousand two hundred and twelve dollars and seventy two cents ; for the payment whereof, no funds are appropriated. The accounts are transmitted.

"JAMES SULLIVAN."

"Council Chamber, Feb. 16th 1808."

Read and committed to Messrs. Harris, Kneeland, and Jackson of N. with such as the hon. Senate may join.

Sent up for concurrence.

Petition of John Fillebrown, the person employed to transcribe the Colony Laws.

Read and committed to Messrs. Bangs, Moody, and Col. Turner.

Committee on engrossed bills, reported as duly engrossed—

"An act in addition to an act, entitled an act for incorporating certain persons for the purpose of building a bridge over Charles' River, by the name of the Canal Bridge, and for extending the interest of the proprietors of West Boston Bridge."

"An act to incorporate the members of a society by the name of the Baptist Missionary Society in Massachusetts."

"An act in addition to an act, entitled an act regulating Parishes, Precincts, and the officers thereof."

“ An act to establish an academy, in the town of Belfast, in the county of Hancock, by the name of the Belfast Academy.”

All which passed to be enacted.

The bill reported by the committee on Wednesday last, entitled “ An act to apportion a tax of one hundred and thirty three thousand three hundred and two dollars and fifty two cents ; and providing for the reimbursement of \$36,132, paid out of the public treasury, to the members of the House of Representatives for their attendance at the two last sessions of the General Court—is now

Read a first and second time, and 4 o'clock, this afternoon, assigned for a third reading.

Committee on Engrossed Bills report as duly engrossed,

“ An act authorizing the sale of the ministry land in the town of Livermore, in the county of Oxford, by which to raise a fund for the support of the ministry in said town.”

Which passed to be enacted.

Adjourned till 3 o'clock, P. M.

FRIDAY, AFTERNOON, *February* 26, 1808.

Met according to adjournment.

Bill in a new draft from the Senate to authorize J. L. Austin and others, to build a bridge across Charles' River, between Cambridgeport and Brighton.

The new draft is read once, and the House concur in the Senate's new draft.

Petition of Mary Jackson, wife of Robert Jackson, for a divorce from her husband, on account of his idleness and intoxication, and total inability to provide for a family.

Read and not committed ; and ordered that the petitioner have leave to withdraw.

Committee on the bill establishing the Hingham and Quincy Bridge and Turnpike Corporation—make a report, which is

Ordered, To lie on the table until the House have proceeded to consider the resolutions passed in the Senate on the recommendation of the legislature of Vermont, for an alteration of the National Constitution, so far as to provide for the removal of National Judges on address to the President by a majority of the representatives, and by two thirds of the Senators in Congress assembled. Which resolutions were passed in Senate, Feb. 11—sent to this House for concurrence, and here read on Friday, 19th Feb.—then made the order of the day, for Wednesday, 11 o'clock, Feb. 24.

This House now proceeded on the consideration of the question of concurrence with the Senate, and passing said resolutions ; but before a decision

Adjourned till Saturday, 10 o'clock.

SATURDAY, February 27, 1808.

Met according to adjournment.

Committee on petition of Thomas Powers—report a resolve.

In SENATE, Feb. 24, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

The committee on Engrossed Bills—report as duly engrossed,

“ An act to divide the first precinct in the town of New Bedford, in the county of Bristol, and to incorporate a religious society by the name of the Bedford Precinct in said town.”

“ An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions.”

“ An act for incorporating certain persons for the purpose of building a bridge over Charles' River, between Cambridge and Brighton, in the county of Middlesex.”

“ An act in addition to an act entitled, an act respecting conditional pardons.”

Which all passed to be enacted.

Bill from the Senate establishing a corporation by the name of the Social Insurance Company in Salem.

Read a third time, and passed to be engrossed, in concurrence with the Senate.

Bill for providing and regulating prisons.

Read a third time, and Tuesday, 10 o'clock, assigned for its further consideration.

Bill to authorize the sale of the school lands in the town of Columbia, in the county of Washington, and to appropriate the proceeds thereof as a fund for the support of schools in said town.

Read a second and third time, and passed to be engrossed.
Sent up for concurrence.

Committee on petition of Samuel Fales and others, for a Bank at Taunton—report its reference.

Accepted and ordered.

Committee on petition of Wm. Eaton and others, and returned order of notice thereon—report leave to bring in a bill.

In SENATE, February 25, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Bill from the Senate in addition to the acts to enable certain persons to complete the Locks and Canal of Amoskeag Falls.

Read a first, second, and third time, and passed to be engrossed, in concurrence with the hon. Senate.

Bill to incorporate the proprietors of India Wharf in Boston.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Petition of Lois Brown and others.

In SENATE, Feb. 24, 1808.

Read and committed to the committee on New Trials.

Sent down for concurrence.

Read and concurred.

Mr. Prince was deputed to the Senate, to propose a certain amendment in the engrossed bill respecting Cambridgeport Parish.

Committee on petition of Gad Williston and others, and returned order of notice—report leave to bring in a bill.

In SENATE, February 24, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Bill to incorporate Theophilus Cushing and others, to build bridges over Fore River and Back River ; and lay out a Turn-pike from Hingham to Quincy, in as direct a rout as feasible, between those two towns.

Read a third time, and committed to Col. Turner and Dr. Holden.

Committee on petition of William Tudor—report a resolve allowing him further time to pay a certain execution.

In SENATE, Feb. 26, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Ordered, That Mr. Welles and Col. Hathorne be a committee to take into consideration the existing laws that relate to the culling of fish, and the expediency of amending the same.

Petition of Amos Bond, on behalf of himself and his associates, in the purchase of Eastern Lands.

In SENATE, February 25, 1808.

Read and committed to the committee on Eastern Lands.

Sent down for concurrence.

Read and concurred.

In SENATE, Feb. 26, 1808.

Ordered, That Messrs. Hill and Gore, with such as the House may join, be a committee to inquire whether any alterations, or additions, are necessary in the act, passed February 13th, 1796, commonly called the fee bill, and that they have liberty to report by bill or otherwise.

Read and passed.

Sent down for concurrence.

Read and concurred, and Messrs. Ripley, Smith, and Phillips are joined.

Petition of the Selectmen of Dracut, and returned order of notice thereon.

In SENATE, February 24, 1808.

Read and committed to the committee on Interior Fisheries.

Sent down for concurrence.

Read and concurred.

Petition of Peter Perham.

In SENATE, February 25, 1808.

Read and committed to the committee on New Trials.

Sent down for concurrence.

Read and concurred.

Resolve respecting the accounts of Benjamin Heywood.

Passed in this House 20th February. Was in Senate Feb.

2th, read, and concurred with amendments at A, B, C, D, E, and F.

Sent down for concurrence.

Read and concurred.

Committee on Petition of Nathan Blake and others, of the town of Union—report an order of notice to be published in the Democrat, printed in Boston.

In SENATE, Feb. 26, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Ordered, That the committee who have the fee bill under consideration, be a committee to consider the duties and fees of Justices of the Peace, in criminal prosecutions, and report by bill or otherwise.

Sent up for concurrence.

Bill to establish the Providence and Northampton Turnpike Corporation.

Read a first and second time, and Monday, 11 o'clock, assigned for a third reading.

Committee on the petition of the Selectmen of Topsfield—report is referred.

In SENATE, Feb. 26, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve on petition of Joseph Stone,

Read and passed.

Sent up for concurrence.

Committee on petition of Oliver Chapin—report its reference.
Accepted and ordered.

An order on the petition of Wm. Rice and others.

Read and passed.

Sent up for concurrence.

Resolve on the petition of Wm. Brewer and Isaac Davis.

Read and passed.

Sent up for concurrence.

Petition of James Winthrop.

In SENATE, February 25, 1808.

Read and committed to the committee on Fortifications.

Sent down for concurrence.

Read and concurred.

Resolve authorizing the Quarter Master General to furnish such supplies, &c. for the use of Hospital Island, as he may think necessary.

Read a first and second time, and passed.

Sent up for concurrence.

Committee of this House, on petition of S. K. Glover and others—report an order of notice.

Read and passed.

Sent up for concurrence.

Committee on petition of Mary O'Neil—report a resolve.

Read and passed.

Sent up for concurrence.

Committee on Petition of John Philebrown—report a resolve allowing him a sum of money.

Read and passed.

Sent up for concurrence.

Committee on petition of D. Davis, Solicitor General—report a resolve.

Read once, and Tuesday next, 11 o'clock assigned for a second reading.

Committee on petition of Eliakim Hull report leave to bring in a bill.

In SENATE, Feb. 27, 1808.

Read and accepted.

Sent down for concurrence.

Committee on petition of Jared Bradley—for tenth Massachusetts Turnpike, report leave to bring in a bill.

In SENATE, February 27, 1808.

Read and accepted.

Sent down for concurrence.

Additional bill incorporating a Methodist Society in Pittsfield, Hancock, Dalton, and Washington.

Read a first and second time, and Wednesday next, 11 o'clock, assigned for a third reading.

Petition of Jonathan Herrick, jun.

Read and committed to Messrs. Bangs, Parsons, of C. and Young.

Petition of W. S. Blasland, Captain of Artillery in Bath.

Read and committed to Messrs. Loring, Slocum, and Moody.

Bill incorporating the proprietors of a New Meeting House, in the fourth parish in Newburyport—comes back from the Senate, with amendment, by the Senate proposed—And now in this House it is postponed till Tuesday 11 o'clock.

Ordered, That General Eaton, General Spurr, and Colonel Turner, with such as the honorable Senate may join, be a committee to inquire into the expediency of establishing a *Public Factory*, within the Commonwealth, for the Manufactory of small arms, for the purpose of enabling the Militia more easily and effectually to arm and equip themselves according to law, and for such other purposes as shall contribute to the safety of the State; and that said joint committee be instructed to report the result of their inquiry, and their opinion on the subject matter herein committed to them, at this session of the General Court.

Sent up for concurrence.

“ COMMONWEALTH OF MASSACHUSETTS.

“ The committee of both Houses to whom was submitted the Adjutant General’s return of the militia of this Commonwealth, have examined the same and ask leave to submit the following

“ REPORT,

“ That 11,075 men including officers (being this State’s proportion of a requisition of 100,000, made from the militia of the United States, in conformity to an act of Congress passed Feb. 24th, 1807) have been detached from the Infantry, Artillery, and Cavalry in this Commonwealth, and are now completely organized, armed, and equipped for service, and ready to march at a moment’s warning—whenever the exigencies of Government shall require their aid. Belonging to said detached troops are 12 *whole companies* of Infantry, Artillery and Cavalry, (viz. 3 of Infantry, 7 of Cavalry and 2 of Artillery) who volunteered their services and were accepted by the commander in chief.

“ It also appears by said return, that the whole number of militia in this Commonwealth is in the aggregate—

Infantry,	64,550
Artillery,	2,930
Cavalry,	2,843
	<hr/>
	70,323 <i>total.</i>

“ That a great deficiency exists both in the Infantry and Cavalry of necessary equipments ; about 12,000 muskets, 16,000 bayonets, and 18,000 cartridge boxes, with a much larger deficiency of steel rods, scabbards and belts, wires and brushes, knapsacks, powder, balls, cartridges and flints.”

“ In the Cavalry is a deficiency of 278 horses, 339 swords and 364 pair of pistols, and a great deficiency of holsters, cartridge-boxes, saddles, bridles, breastplates, mailpillions, valises, &c.

“ Which is submitted.

“ SALEM TOWN, *per order.*”

In SENATE, February 27, 1808.

Read and sent down.

SAMUEL DANA, *President.*

In the HOUSE of REPRESENTATIVES, Feb. 27, 1808.

Read and ordered to lie on the table.

The committee to whom was referred the memorial of Mica-jah Coffin, made their report by way of a resolution (to be adopted as the sense of this House) that no Member of this House can constitutionally be called to answer before any tribunal other than that of this House—for any words spoken within the walls of this House, in the course of deliberation, speech, or debate; relative to a subject under the consideration of the House.

The report was read, and made the order of the day for Tuesday next, 1st of March, 11 o'clock A. M.

The proposed resolutions for an amendment of the National Constitution, the subject of debate when an adjournment took place yesterday afternoon, were now made the order of the day for Tuesday next, 1st of March, 11 o'clock, A. M.

Adjourned to Monday, 10 o'clock.

MONDAY, *February 29*, 1808.

Met according to adjournment.

Committee on petition of John Bowman and wife—report a resolve.

Read and passed.

Sent up for concurrence.

A new draft of a bill in favor of the proprietors of the Exchange Coffee House.

Sent down for concurrence from the Senate

Is now in this House read and concurred.

“An act in addition to the several acts for the due regulation of licensed houses.”

Read a first and second time, and Wednesday next, 10 o'clock, assigned for a third reading.

Bill from the Senate for altering the time of holding one of the terms of the Court of Common Pleas, and of Sessions in Barnstable County.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Bill from the Senate to annex Little River Plantation to the town of Lisbon.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Bill from the Senate, to incorporate Township No. 3, in the 2d Range of Townships, into a town by the name of Freeman.

Read a first and second time, and Thursday next, 10 o'clock, assigned for a third reading.

Bill from the Senate, to establish a corporation by the name of the Hudson Turnpike Corporation.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Bill from the Senate last session, and now from the referred file of this House, for straightening Cambridge and Concord Turnpike.

Read a first time, and Thursday next 11 o'clock, assigned for a second reading.

Bill to establish the East Congregational Parish in Minot.

Read a third time, and referred to the first session of the next Court.

Bill to incorporate Plantation No. 2, in the second Range, on the west side of Kennebec River, into a town by the name of New Portland.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Additional bill directing the manner of raising money in the several towns, districts, and plantations, for the supply of the County Treasuries.

Read a first and second time, and tomorrow, 4 o'clock, assigned for a third reading—and committed to Messrs. Moody, Brown of B. and Loring.

Bill to establish the Providence and Northampton Turnpike Corporation.

Read a third time and committed to Messrs. Tolman, Brown of Boston, and Maj. Goodwin.

Ordered, That Salem Town, Esq. agent for the sale of the nine townships of land bought of the Penobscot Indians, and belonging to this Commonwealth, be directed to lay before the Legislature an account of his doings during his agency, on the second Wednesday of the next General Court.

Sent up for concurrence.

In SENATE, Feb. 29, 1808.

*Read and concurred.**

Hon. Mr. Titcomb brought from the Senate an engrossed bill, establishing a parish in Cambridge Port; and informed this house, that the Senate concur in the amendment proposed by the House.

Bill to set off Josiah Rockwood, from the town of Hopkinton, in Middlesex, to the town of Upton, in Worcester.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading, and committed to Mr. Calender, to correct the orthography.

Bill to incorporate the proprietors of the Bath Female Academy.

Read a first and second time, and tomorrow, 4 o'clock, assigned for a third reading.

Committee on the Providence and Northampton Turnpike Corporation Bill—report amendments which are adopted. Said bill is passed to be engrossed, and

Sent up for concurrence.

Committee on petition of Joseph Forward, agent of the town of Southwick—report a resolve.

In SENATE, February 27, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

* The Clerk of the House handed an attested copy of this order to the hon. Mr. Town, 1st March.

Bill for regulating the keeping of gunpowder in the town of Boston.

Read a first and second time, and tomorrow, 11 o'clock, assigned for a third reading.

Additional bill from the Senate, establishing the Taunton and New Bedford Turnpike Corporation.

Read a first and second time, and 4 o'clock, P. M. assigned for a third reading.

Bill from the Senate, authorizing the inhabitants of the town of Fryeburg, to sell or lease the parsonage lands in said town.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Committee on petition of Richard Meagher—report its reference to the next Court.

Accepted.

Additional bill from the Senate respecting the Medford Turnpike.

Read a first and second time, and Wednesday next, 11 o'clock, assigned for a third reading.

Bill to provide a recompense for Judges and Registers of Probate, in certain cases.

Read a first time, and Thursday, 11 o'clock, assigned for a second reading ; and to be printed in the mean time.

Bill authorizing school districts to raise money for fuel in the same manner as they now are authorized to raise money for utensils.

Read a first and second time, and tomorrow 10 o'clock assigned for a third reading.

The bill from this House entitled "An act to divide the town of Freeport, and to incorporate the north westerly part thereof into a separate town by the name of Pownal.

Came down from the Senate with an amendment, in which this House concur.

A written communication from his Excellency, by the Secretary, on the subject of a new Gunner's Quadrant—invented by Capt. Charles Hammond of Bangor.

Read and committed to Mr. Carleton of W. Col. Apthorp, and Major Davis, with such as the Hon. Senate may join.

Sent up for concurrence.

Another communication from his Excellency respecting a certain scite for a fort at Portland, purchased by Mr. Dearborn, agent of the United States.

Read and committed to Messrs. Bangs of W. Callender, and Godfrey, with such as the Hon. Senate may join.

Sent up for concurrence.

Committee on Engrossed Bills, report as duly engrossed,

“An act to incorporate Peleg Tallman and others, into a company by the name of the Kennebec Marine Insurance Company.”

“An act declaring and confirming the incorporation of the proprietors of the New Meeting House in Saco.”

“An act determining the places of holding the Courts of Probate in the county of Hampshire, and repealing all laws heretofore made on that subject.”

“An act in addition to an act entitled an act to incorporate Joseph Niles and others, for the purpose of building a bridge across Mill Creek.”

“An act to incorporate the easterly part of the town of Cambridge, into a parish by the name of the Cambridgeport Parish, and for other purposes.”

“An act in addition to several acts for granting lotteries for the purpose of completing the Locks and Canals at Amoskeag Falls in the State of New Hampshire.”

“An act to incorporate a number of persons in the town of Poland, Minot, and New Gloucester, by the name of the First Methodist Society in Poland.”

“An act establishing a corporation by the name of the Social Insurance Company.”

All which passed to be enacted.

Committee on petition of the second Religious Society in Charlton—report leave to bring in a bill.

In SENATE, February 27, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of Samuel Spoffard—report an order of notice.

In SENATE, February 27, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Oliver Prescott and others—report an order of notice, and appointment of a viewing committee.

In SENATE, February 26, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Gorham Parsons and others, directors of the Newburyport Turnpike Corporation—report leave to bring in a bill.

In SENATE, Feb. 26, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on petition of James Woodman—report leave to withdraw.

In SENATE, Feb. 26, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Bill from the Senate to incorporate the First Baptist Society in Barnardston.

Read a first and second time, and Thursday, 10 o'clock, assigned for a third reading.

Bill from the Senate to incorporate the proprietors of Maquoit Canal in the town of Brunswick, in Cumberland county.

Read a first time, and 4 o'clock assigned for second reading.

Ordered, That Mr. Bigelow and Mr. Sprague, with such as the hon. House may join, be a committee to consider and report by bill or otherwise, a proper mode for the examination of any plan presented for bridges, canals, turnpikes, or other roads ; and the designation of any errors in such plans, so presented.

In SENATE, February 22, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred, and Messrs. Tallman of Bath, Hasey, and Bridge of C. are joined.

Bill respecting the Belchertown and Greenwich Turnpike.

Read a first time, and tomorrow, 10 o'clock, assigned for a second reading ; and committed to Messrs. Smith of G. Hathorne, and Flagg.

The committee of both Houses to whom was referred the communication of his Excellency, and the memorial of some of the people on the frontier of this government, which is the eastern boundary of the United States, complaining of insults and aggressions committed on them by the subjects of his Britannic Majesty—made a report, which was,

In SENATE, Feb. 29, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Adjourned till 3 o'clock, P. M.

MONDAY, AFTERNOON, *February 29, 1808.*

Met according to adjournment.

Committee of both Houses on Interior Fisheries, on petition of the Selectmen of Dracut.

Report its reference to the next Court.

In SENATE, Feb. 29, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

A resolve from the Senate on petition of William Tudor is now in this House.

Read again, and committed with an amendment.

Sent up for concurrence.

Petition of Ebenezer Niles, and others.

In SENATE, February 26, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Committee to whom was referred the bill for extending the jurisdiction of Justices of the Peace, make a report which is accepted.

Said bill is now passed to be engrossed.

Sent up for concurrence.

Bill from the Senate to incorporate an Antipedo Baptist Society in New Gloucester.

Read a first and second time, and Thursday next, 11 o'clock, assigned for a third reading.

Bill from the Senate, incorporating the proprietors of the Norfolk cotton Manufactory.

Read a first time, and tomorrow, 3 o'clock, assigned for a second reading—and committed in the mean time to Mr. Whitman, Col. Apthorp and Col Turner.

Petition of John Bazzle, and 95 others.

In SENATE, Feb. 29, 1808.

Read and committed to the committee on Parishes.

Sent down for concurrence.

Read and concurred.

Committee on petition of Josiah Curtice and others, of Egremont, report an order of notice.

In SENATE, Feb. 29, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Jonathan Richards and others, report an order of notice.

In SENATE, Feb. 29, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of John Bunham and others, inhabitants of Bluehill in Hancock, report an order of notice.

In SENATE, Feb. 29, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Joseph Sanburn and others, of Shapleigh, report an order of notice.

In SENATE, Feb. 29, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve granting half a township of eastern lands for the support of the professorship of Natural History at Harvard College, Massachusetts.

In SENATE, Feb. 29, 1808.

Read and passed.

Sent down for concurrence.

Read and referred to the next General Court.

Committee to whom was referred the subject of the Surplus Laws, &c. in the Secretary's office report that the whole number of new members in the House this year is 110.

That the surplus laws are not sufficiently numerous to supply all of them ; therefore think no resolve necessary or proper on the subject ; and request to be discharged. Granted.

Committee on the Norfolk Cotton Manufactory bill, make a report, which is read ; and considered and the bill is then committed to another Committee of this House—viz. Messrs. Davis, Moody, and M'Farland.

Bill from the Senate further to continue in force the act establishing the Taunton and New Bedford Turnpike Corporation.

Read a third time, and passed to be engrossed, in concurrence with the Senate.

Bill to incorporate the adventurers and proprietors in the Maquoit Canal, through the town of Brunswick in the county of Cumberland.

Read a second time, and tomorrow three o'clock, assigned for a third reading.

Additional bill respecting the Poor—

Read a first and second time, and together with

A bill supplemental to the act regulating and providing prisons. Committed to Messrs. Bangs, Davis, and Farland.

Mr. Welles of Boston, moved, That the House reconsider their vote, passed 19th June last, denying a second reading to a proposed

Resolve in favor of R. T. Paine, Esq. formerly Attorney General of this State, granting him one thousand dollars, which resolve was passed in the Senate in June last ; then sent to this House for concurrence, where it was read once, and the question for a second reading was decided in the negative. After debate, the question for a reconsideration of the vote of June 19, was decided in the negative.

Mr. Welles then moved, that a grant of seven hundred dollars be made to the petitioner, and that we concur in the resolve passed by the Senate, with an amendment, granting seven hundred dollars (instead of one thousand dollars as proposed by the hon. Senate) ; this sum to be in full satisfaction of his claim.

Ordered, That when this House adjourn, it adjourn till 9 o'clock on each day after this, during the session.

Adjourned till tomorrow, 9 o'clock.

TUESDAY, *March 1*, 1808.

Met according to adjournment.

Committee on petition of Elisha Hutchinson, guardian of Hutchinson, by his agent George W. Brimmer—report a resolve.

In SENATE, February 29, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve allowing a sum of money, viz. \$ 1212 72, to Daniel Jackson, Esq. superintendant of the State Prison—it being a balance due to him up to the first day of December, 1807.

In SENATE, Feb. 26, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

The House, on motion of Col. Fisher, proceeded to the third reading of the bill, entitled “An act to apportion and assess a tax of \$133,302 52 cents, and providing for the reimbursement of \$36,132 paid out of the public treasury, to the members of the House of Representatives, for their attendance at the two last sessions, of the General Court.”

Read a third time, and passed to be engrossed.

And thereupon it is ordered, that Messrs. Harris, Phillips, and Kneeland, the committee who reported said bill, carry and present said bill to the Senate, for their concurrence.

The bill passed to be engrossed in this House, and sent to the Senate for their concurrence, entitled “An act to incorporate the proprietors of a New Meeting House, in the South Parish in Newburyport, in the county of Essex,” was sent down from the Senate, concurred with amendments, in which this House concur.

Additional bill providing for the establishment of a Turnpike between Newburyport, and Chelsea Bridge.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Bill from the Senate, additional to the acts for the establishment and benefit of the Belchertown and Greenwich Turnpike Corporation.

Read a third time, and passed to be engrossed in concurrence with the hon. Senate, with amendments at A, B, C, D, and E.

Sent up for concurrence.

Bill from the Senate, in the first reading for incorporating the third Religious Society in Augusta.

Read a first and second time, and Thursday next, 11 o'clock, assigned for a third reading.

The House proceeded to consider the motion made yesterday, (immediately before the afternoon's adjournment) for making a grant of seven hundred dollars to R. T. Paine, Esq. formerly Attorney General of this State, in full discharge of all claims of his against the State.*

The question was put and decided in the negative—66 against it, and 63 in favor of it.

A motion was then made that the House concur with the Senate, with an amendment granting him five hundred dollars, instead of one thousand dollars, as proposed by the Senate. This motion obtained, and the House concurred with the Senate, with an amendment at A, B,—at A, B, strike out *one thousand*, and insert *five hundred*—72 for, 57 against this vote.

Sent up for concurrence.

“The committee of both Houses, appointed to consider and report what business of a public nature is necessary to be acted on at the present session ; and at what time the General Court may have a recess ; have attended that service, and ask leave to report, that in their opinion the several subjects herein after mentioned (and on which bills have already been submitted) ought to be acted on the present session, viz.

“The subject of Jurors.

“The revision of the Militia Laws.

“The Tax Act.

* It appears by a resolve, passed March 23, 1784, that the sum of £.1063 12 00 was granted to R. T. Paine, Esq. in full for his services from the time of his appointment to 1st Jan. 1783. This sum was in addition to the sums that had been granted him previous to 1st Jan. 1783.

“ The several subjects of defence mentioned in the Governor’s Communications.”

“ The subjects of Highways and Turnpike Roads—

“ And that the General Court may have a recess on Thursday, the 10th day of March next—which is submitted.

“ AARON HILL, *per order.*”

In SENATE.

Read and accepted.

Sent down for concurrence.

Read and concurred.

The House proceeded to the order of the day on the resolutions proposed by the State of Vermont, for amending the National Constitution, so that the Judges of the Courts of the United States may be removed from office by the President of the United States, on address made to him by a majority of the House of Representatives, and two thirds of the Senators in Congress assembled—for other causes than such as may subject them to be removed upon impeachment.

A resolve was passed on this subject by the Senate of this State on Feb. 11, 1808, and sent to this House for concurrence.

On the question “ *Will this House concur with the hon. Senate and pass the resolve?*”? It was by a competent number, voted that when this question is decided, it be by yeas and nays.

After debate it was decided by yeas and nays in the affirmative, as follows—yeas 93, nays 44.

Those who voted in the affirmative, are—

Essex—John Hathorne,

William Cleveland,

Joshua Ward,

Joseph Winn,

John Prince,

Asa Hooper,

Micajah Newhall,

Aaron Breed,

Ebenezer Hart,

James Smiley.

Middlesex—Nathaniel Hawkins

Samuel Butterfield,

Nathaniel P. Watson,

Josiah Mason, jun.

Jonathan Oakes,

John Loring,

Walter M^rFarland,

Jason Chamberlain,

Joseph Chandler,

William Simonds,

Middlesex—Tho. Fletcher, jun. *Norfolk*—Ezekiel Tolman,
 Israel Hildreth, Phineas Holden,
 Isaac Wright, John Endicott,
 David Tucker,

Hampshire—William Eaton,
 Medad Alexander, *York*—Alexander M'Intire,
 Josiah Cobb, Alexander Rice,
 Ashbel Eager, Joseph Atkinson,
 Jonathan Smith, jun. John Leighton,
 Joseph Forward, David Marston,
 Abraham Granger, Joseph Woodman,
 William Moody,

Plymouth—Daniel Mitchell,
 Jacob Cushman, *Cumberland*—John Jones,
 Charles Turner, jun. Benjamin Larrabee,
 Hawkes Fearing. George Hight,
 Joseph E. Foxcroft.

Bristol—Jones Godfrey,
 Elkanah French, jun. *Lincoln*—Moses Carlton, jun.
 Ebenezer Bacon, Abiel Wood, jun.
 David Murray,

Barnstable—Jonas Whitman,
 John Freeman, Simon Elliot,
 Braddock Dimmock, Mason Wheaton,
 Farnham Hall,
 Edward Jones,
Nantucket—Micajah Coffin. Peleg Tallman,

Worcester—Samuel Flagg, *Kennebec*—Samuel Jewett,
 Edward Bangs, Elnathan Sherwin,
 John Spurr, Eleazer W. Ripley,
 Jonas Sibley, Asher Hinds,

Jonathan Weatherby, *Hancock*—Oliver Mann,
 Edmund Cushing, Francis Carr,
 Samuel Gibson, Davis Wasgatt,
 William Vinal,
 Thomas Whittier,
 Ebenezer Frye,
 Phillip Ulmer,
 Seth Kempton,
 James Thomas.

Berkshire—John Nichols,
 Josiah Newell,
 Simeon Griswold,
 Amos Holbrook,
 Samuel H. Wheeler.
Norfolk—Elisha Whitney,
 Ralph Smith,
Oxford—Elias Stowell,
 Nathaniel Perley.

Those who voted in the negative, are—

Suffolk—William Smith,
William Brown,
John Welles,
William Phillips,
Simon Elliot,
Benjamin Russell,
Thomas W. Sumner,
John Callender,
Thomas K. Jones,
John T. Apthorp,
Thomas Danforth,
Charles Davis.

Hampshire—Eliakim Phelps,
Varney Pearce,
Benjamin Parsons,

Plymouth—Ephraim Spooner,
Nathaniel Goodwin,

Worcester—Oliver Crosby,
Ezra Wood, jun.
Jonas Howe,
Silas Holman.

Berkshire—George Conant,

Essex—Nathan Felton,
Thomas Davis,
Nathaniel Wade,
Josiah Little,
Edward Little,
Thomas Perley.

Norfolk—Benjamin Hayden, jr.
Christopher Webb,
Thomas Lothrop,
Joseph Bacon.

York—John Storer.

Middlesex—David Goodwin,
Stephen Dana,
Nathaniel Hall,
Timothy Jackson,
Timothy Wakefield,
Joseph Locke,

Cumberland—Joseph Titecomb,
William Jenks,

Lincoln—Samuel Thatcher,
Benjamin Hasey,

Kennebec—Samuel Moody.

Adjourned till 4 o'clock, P. M.

TUESDAY, P. M. *March 1, 1808.*

Met according to adjournment.

Committee who had been instructed at the last session to inquire into the account of certain fees received by Mr. Rugles, the inspector of beef and pork—make a report, which Mr. Harris, the chairman, laid on the table.

Committee reported without alteration the bill, entitled "an act in addition to an act entitled an act directing the manner in which money shall be raised and levied to defray the charges which may arise within the several counties of this Commonwealth, passed November 2, 1781." Then said bill was read as in its third reading, and passed to be engrossed.

Sent up for concurrence.

The House proceeded to consider the report of the committee offered on Saturday last, (and then made the order of the day for 11 o'clock this day) on the memorial of Micajah Coffin, a member of this House from Nantucket, representing himself to have suffered, by what he conceives a breach of the privileges of this House.

After full deliberation, speech and debate—the House (by one hundred members, out of one hundred and twenty three, the whole number present) did adopt, agree upon, and pass the following resolution and declaration, as reported by the committee, viz.—

"COMMONWEALTH OF MASSACHUSETTS.

In the HOUSE OF REPRESENTATIVES, March 1, 1808.

"The House of Representatives impressed with their duty to protect the rights of the citizens and the principles of the Constitution under the safeguard of which they assemble and deliberate for the public good ; and to guard at all times, their own privileges against the undue interference of any other department of the government ; do therefore resolve and declare——

"That words spoken by any member, within the walls of this House, relative to a subject under their consideration ; either in their separate capacity or in a convention of both branches of the legislature ; (whether the member speaking such words addresses himself in debate to the chair, or deliberates and advises with another member respecting such subject,) are alone and exclusively cognizable by this House ; and that for any other tribunal or department of government to interfere with its authority, and take cognizance of words thus spoken, is a breach of the rights and privileges of this House ; and a flagrant violation of that important article of the Constitution, which expressly provides for *the freedom of deliberation, speech and debate in each House of the Legislature.*"

Mr. McFarland was deputed with a message to his Excellency, to request him to send to this House the memorial of John

Waite, of Falmouth, a member of this House—and the resolve that has passed both branches of the legislature on the same ;—provided his Excellency has not acted thereon.

Adjourned till Wednesday 9 o'clock.

WEDNESDAY, *March 2*, 1808.

Met according to adjournment.

By a message from his Excellency ; the memorial of John Waite a member of this House, and the resolve thereon, which had passed both branches of the General Court was received ; and laid on the speaker's table.

Committee on engrossed bills, report as duly engrossed.

“ An act to preserve and secure from damage Salter's Beach so called, and the meadows thereto adjoining in the town of Duxbury.

“ An act to incorporate a number of persons for the purpose of building a bridge over Connecticut river, between Prindle's ferry and mill brook, in the town of Northfield in the county of Hampshire.

“ An act to divide the town of Freeport, in the county of Cumberland, and to incorporate the north westerly part thereof into a separate town by the name of Pownal.

“ An act in addition to an act entitled an act to incorporate sundry persons into a company, by the name of the Proprietors of the Exchange Coffee House.”

Which passed to be enacted.

Resolved, That the Secretary be directed to present and deliver to the Rev. Dr. Baldwin, the present chaplain to both Houses, a set of the printed laws, journals of the House, and maps of the State.

Read and passed.

Sent up for concurrence.

Petition of Billy Richardson.

Read and committed to the committee on Names.

Resolve authorizing the Gov. to draw his warrants from time to time on the Treasurer, in favor of D. Jackson, Esq. Superintendant of the State Prison.

In SENATE, March 1, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

On petitions of sundry persons in the counties of York, Cumberland and Oxford. The committee report a reference to the next Court.

Accepted.

Returned order of notice and petition of H. Orr.

In SENATE, March 1, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Committee on resolve in favor of C. Vaughan and Robert Hallowell—report a new draft, thereupon the Senate's resolve is read and passed as taken into a new draft, which new draft is

Sent up for concurrence.

The Senate concur in the bill to incorporate the proprietors of the New Meeting House in Newburyport, with amendments.

In which this House concur.

Bill from the Senate to annex Little River Plantation to Lisbon.

Read a third time and passed to be engrossed, in concurrence.

Bill from the Senate to alter the time of holding one of the terms of the Courts of Common Pleas in Barnstable.

Read a third time, and passed to be engrossed, in concurrence.

Bill to incorporate as a Methodist Society, certain persons in Pittsfield, Hancock, Dalton, and Washington.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Resolve ordering the Quarter Master General, to mount all the 12 pound cannon of this State, on Travelling Carriages.

In SENATE, March 1, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Memorial of C. Hammond and communication thereon of the Governor, which was in this House 29th February, committed to Mr. Carlton of Wiscasset, Col. Apthrop and Mr. Davis, is now read again, and the said committee are discharged, and the subject matter is now committed to the committee having under consideration the motion of Gen. Eaton, for the procurement of small arms—viz. Gen. Eaton, Gen. Spurr, and Col. Turner.

Sent up for concurrence.

The resolve on John Waite's petition which has been sent to this House, on the request made to the Gov. is now committed to Messrs. McFarland, Davis, and Granger.

Committee on petition of Mary Gay and Melzor Thomas—report its reference.

Accepted.

Bill from the Senate incorporating the proprietors of Maquoit Canal.

Read a third time, and passed to be engrossed, in concurrence with the Senate, with amendments at A and B.

Sent up for concurrence.

Resolve for distributing the surplus Laws.

In SENATE, March 1, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Bill from the Senate, to incorporate the town of Freeman.

Read a third time, and passed to be engrossed, in concurrence.

Bill from the Senate, to incorporate New Portland,

Read a third time, and passed to be engrossed, in concurrence.

Bill to set off Josiah Rockwood from Hopkinton, and annex him to Upton.

Read a third time and passed to be engrossed.

Sent up for concurrence.

Bill from the Senate, establishing an antipedo Baptist Society in the town of New Gloucester, in the county of Cumberland.

Read a third time, and passed to be engrossed, in concurrence with the Senate.

Bill respecting licenced houses.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill respecting religious matters in Fitchburg, came back from the Senate, with amendments by them proposed, in which the House concur.

Bill from the Senate, respecting the Bridgetown Academy, in the county of Cumberland.

Read a first and second time, and 4 o'clock, this afternoon, assigned for a third reading.

Committee on the bill from the Senate, for establishing the Hingham and Quincy Turnpike Corporation—report amendments which are adopted. Said bill is now

Read a third time, and passed to be engrossed, in concurrence with the Senate, with amendments annexed.

Bill to incorporate the Wiscasset Academical Association.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Resolve from the Senate, on petition of overseers and trustees of Bowdoin College.

Read a second time, and concurred.

Ordered, That Messrs. Locke, McFarland, and Slocum, be a committee to inquire and report on the expediency of ordering the Secretary to furnish each town in the Commonwealth, with a set of the reports of the decisions of the Supreme Judicial Court.

Additional bill to that establishing the 16th Massachusetts turnpike Corporation.

Read a second and third time, and passed to be engrossed, in concurrence with the Senate.

Resolve making a grant of three hundred dollars, to the Solicitor General, in addition to his salary.

Read a second time, and passed.

Sent up for concurrence.

Committee on petition of John Blunt and others—report leave to withdraw.

In SENATE, March 1, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Bill to establish the Dartmouth and New Bedford Turnpike Corporation.

Read a first, second, and third time, and passed to be engrossed in concurrence with the Senate.

Bill to authorize J. F. Swan and his associates, to build a toll Bridge over Saco River, at Fryeburgh in the county of Oxford.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Committee on Finance make a report recommending a certain change of the Stock belonging to this State, and that a committee be appointed to bring in a bill for that purpose.

Read and accepted and ordered that the committee on Finance be the committee for that purpose.

Additional bill from the Senate, for incorporating the first Baptist Society in Limington.

Read a first, second, and third time, and passed to be engrossed, in concurrence with the Senate.

Committee on petition of Wm. Rice and others—report an order of notice.

In SENATE, March 1, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of John Buzzle and others, of Parsonsfield—report an order of notice.

In SENATE, March 1, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Sent up for concurrence.

Committee on petition of John Thorn—report a resolve, granting him a sum of money for medicine and attendance administered to a person by the name of Maxwell, wounded while doing military duty.

Read and passed.

The Senate concur in the resolve of this House, on petition of Thomas Noyes and Israel Hunting, as taken into new draft, in which this House concur.

Estimate of a tax for the county of Suffolk.

Read and committed to the committee on County Estimates.

Committee on the resolve on the petition of Daniel Wild and others—report an amendment which is not accepted.

Committee on the Memorial of Benjamin Austin, make a report in writing ; for the consideration of which, the House assign 4 o'clock this afternoon.

Adjourned till half past 3 o'clock, P. M.

WEDNESDAY, P. M. MARCH 2, 1808.

Met according to adjournment.

Bill for altering the names of certain persons therein mentioned.

Read a first and second time, and tomorrow, 10 o'clock, assigned for a third reading.

Committee on engrossed bills report as duly engrossed.

“An act to incorporate the proprietors of India wharf, in Boston.

“An act to continue in force an act entitled an act to establish the Taunton and New Bedford turnpike corporation.

“An act in further addition to the act entitled an act to secure to owners their property in logs, masts, spars, and other timber in certain cases.

“An act to incorporate the proprietors of a New Meeting House in the fourth parish in Newbury in the county of Essex.”

Which passed to be enacted.

Committee on petition (and returned order of notice) of Hector Orr, and others, report leave to bring in a bill.

In SENATE, March 2, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Resolve on petition of Mary O'Neil, came from the Senate concurred with an amendment at A, in which this House concurred.

Committee on petition of Cornelius Durant and others, report its reference to the next general court.

In SENATE, March 2, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Additional bill from the Senate respecting the turnpike between Medford and Charlestown neck.

Read a third time, and passed to be engrossed, in concurrence with the Senate.

The committee to whom was referred the bill from the Senate to incorporate Samuel Lowder and others, as a corporation for the purpose of carrying on the manufacture of cotton, reported a new draft, which was accepted.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

At four o'clock the House proceeded to the consideration of the report of the committee to whom was referred the memorial of the hon. Benjamin Austin. The report was read ; and the consideration thereof was postponed till the next general court.

For the postponement, 67—against it, 34 ; 101 present.

On motion of Mr. Bangs, the House reconsidered the last vote ; and postponed the consideration of the report till Friday next ; and ordered that 500 copies of the memorial and of the report be printed in the mean time, for the use of the members of the House.

The House proceeded to consider the report offered by the committee yesterday afternoon, on the subject of certain fees received by Mr. Ruggles, the inspector of beef and pork ; which had accrued after the death of Mr. Bruce the former inspector, and before the time of the appointment of Mr. Ruggles.

After debate, and before any decision, the House adjourned till Thursday morning, 9 o'clock.

THURSDAY, *March* 3, 1808.

Met according to adjournment.

The petition of Hugh Williamson (agent to C. W. Apthorp's heirs) by his Attorney, William Sullivan, which was in this House, Feb. 22d, committed to the committee on Eastern lands, and in Senate, Feb. 22d, read and concurred ;—was in Senate, March 2, 1808, read ; and thereon it was ordered, that the committee on Eastern lands be discharged from further considering this petition. Sent down for concurrence.—And now this order of Senate is read and concurred ; and it is further ordered that the petitioner have leave to withdraw his petition.

Sent up for concurrence.

The House resumed the unfinished business of yesterday afternoon, and accepted the report of the committee on the subject of fees in the hands of Mr. Joseph Ruggles, the inspector of beef and pork, and ordered accordingly.

Sent up for concurrence.

Additional bill from the Senate regulating the collection of taxes and appointment of Constables in the town of Boston.

Read a first and second time, and 4 o'clock P. M. assigned for a third reading.

Committee on petition of Jonathan Young, a pensioner, report a resolve granting him 50 dollars annually, in lieu of his former pension of 40 dollars.

Read and passed.

Sent up for concurrence.

Committee on petition of William Blasland, report its reference to the next general court.

Accepted.

Committee on petition of Jonathan Herrick, report a resolve.

Read and passed.

Sent up for concurrence.

The committee to whom was referred the motion made by Mr. Hooker, that the Supreme Judicial Court should have chancery powers in certain cases specified in the motion ;—report a bill entitled, “ An act for providing a remedy in cases of trust in regard to real estate,” which the House refer for consideration to the next court.

The committee of both Houses on the subject of *correct* plans, surveys, &c. report it inexpedient to take any order on the subject.

In SENATE, March 2, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Bill from the Senate, to incorporate the Congregational Parish in the town of Limington, in the county of York.

Read a first and second time, and tomorrow, 11 o'clock, assigned for a third reading.

Resolve authorizing the Treasurer to pay off and redeem the Notes of this Commonwealth, to the amount of 100,000 dollars.

Read and passed.

Sent up for concurrence.

Additional bill providing for the storage and safe keeping of Gun Powder in the town of Boston.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to set of J. Rockwood from Hopkinton, and annex him to Upton,

Comes down from the Senate concurred with an amendment.

In SENATE, March 2, 1808.

Sent down for concurrence.

Read and nonconcurred.

Mr. Bangs of the committee to whom were referred two bills on the subject of Prisons, &c.—report a bill embracing the salutary principles of both, as far as they have been able—entitled “An act supplementary to the act for providing and regulating of prisons.”

Read a third time, and recommitted for the purpose of amendment.

Mr. Thomas offered a resolve allowing five dollars per month to James Pomroy, (and for repealing a resolve in favor of one Joseph Pomroy, in whose favor it was passed by mistake) he having lost his arm by the explosion of a piece of cannon at Hamden.

Read and committed to Messrs. Lock, Thomas, and Callender.

Petition of Martin Nichols and others, members of a Light Infantry Company in Portland.

Read and committed to Messrs. Foxcroft, Ripley, and Titcomb.

Committee on engrossed bills—report as duly engrossed,

“An act in addition to an act, entitled an act to establish the 16th Massachusetts Turnpike Corporation.

“An act in addition to an act to incorporate a number of the inhabitants, in the town of Limington in the county of York, into a separate religious society, by the name of the First Baptist Society in Limington.

“ An act in addition to an act entitled an act establishing the 16th Massachusetts Turnpike Corporation.

“ An act to incorporate the proprietors of the meeting house of the First Baptist Society in Newburyport.

“ An act to authorize the sale of school lands, in the town of Columbia, in the county of Washington, and to appropriate the proceeds thereof as a fund, for the support of schools in the said town.

“ An act to incorporate township No. 3, in the 2d range of townships, on the west side of Kennebec River, in the county of Kennebec, into a town by the name of Freeman.

“ An act to alter the time of holding one of the terms of the Court of Common Pleas and Court of Sessions, in and for the county of Barnstable.

“ An act to incorporate the proprietors of the meeting house of the First Baptist Society in Newburyport.

“ An act to annex an unincorporated tract of land called Little River Plantation to the town of Lisbon.

“ An act to set off certain persons of the first Parish in the town of Fitchburg, and to annex them to the Second Society in said town.”

All of which passed to be enacted.

Adjourned till 3 o'clock, P. M.

THURSDAY, AFTERNOON, *March 3*, 1808.

Met according to adjournment.

The resolve which went from this House to the Senate for their concurrence, passed on the petition of Thomas Kittredge, agent for the North Parish of Andover, comes back concurred,

in the form of an act, to enable the inhabitants of the North Parish of Andover to sell their Parsonage Lands.

Read a first, second, and third time, and passed to be engrossed.

Sent up for concurrence.

Mr. Welles of the committee of Finance, reported a resolve authorizing the Treasurer to sell certain Stock of the United States, and to purchase this State's Stock; and to discharge the Treasurer from the duties imposed by a former resolve passed at the present session.

Read and passed.

Sent up for concurrence.

Bill to incorporate Silas Pepoon and others, for the purpose of making a turnpike road, by the name of the Hudson Turnpike.

Read a third time, and passed to be engrossed, in concurrence with with the Senate.

Bill to incorporate the proprietors of the Bath Female Academy.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill to incorporate the Wiscasset Academical Association.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill authorizing alterations in the Housatonic Turnpike.

Read a third time, and passed to be engrossed in concurrence, with an amendment at A.

Sent up for concurrence.

Bill from the Senate, authorizing the sale of Parsonage Lands in Fryeburgh.

Read a third time, and passed to be engrossed, in concurrence with the Senate.

Additional bill respecting the Turnpike Road, between Chelsea Bridge and Newburyport.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Bill providing a recompense for the Judges and Registers of Probate.

Read a third time, and *not* passed to be engrossed.

Bill authorizing School Districts to raise money to purchase fuel, in the same manner as they now raise money to buy utensils.

Read a third time, and *not* passed to be engrossed.

Bill to establish the Bridgeton Academy.

Read a third time, and passed to be engrossed, in concurrence with the hon. Senate.

Adjourned till tomorrow, 9 o'clock.

FRIDAY, *March* 4, 1808.

Met according to adjournment.

Bill to incorporate Pelatiah Came and others, to build a certain mill dam in Phillipsburg.

Read a first and second time, and 11 o'clock tomorrow, assigned for a third reading.

Additional bill to incorporate the second society in Charlton.

Read a first, second, and third time, and passed to be engrossed.

Sent up for concurrence.

Additional bill from the Senate to the general turnpike law.

Read a first and second time, and Monday, 11 o'clock, assigned for a third reading.

Committee to whom it was referred to draft a second bill for establishing a new Registry of Deeds in the county of Washington—report a bill on that subject, which is

Read a first and second time, and tomorrow, 11 o'clock, assigned for a third reading.

Bill from the Senate to incorporate a number of inhabitants within the limits of the south parish of Augusta, into a religious society, by the name of the Third Religious Society.

Read a third time, and passed to be engrossed in concurrence, with an amendment at A.

Sent up for concurrence.

Bill from the Senate incorporating the First Baptist Society in Bernardston.

Read a third time, and passed to be engrossed, with amendments at A, and B.

Sent up for concurrence.

Ordered, That Col. Fisher, Maj. Davis, and Mr. Bangs, with such as the hon. Senate may join, be a committee to inquire what progress is made in procuring the printing of the General Laws of the late colony and province of Massachusetts Bay, as directed by a resolve of the General Court of Jan. 19, 1807; and also to make inquiry what the probable expense will amount to, in completing the whole work, and any other information they may think proper, and report as soon as may be, that the Court may act thereon, as wisdom shall direct.

Sent up for concurrence.

Committee on Engrossed Bills—report as duly engrossed,
“A bill to establish the Hingham and Quincy Turnpike and Bridge Corporation.”

Which passed to be enacted.

Bill from the Senate to authorize J. F. Swan, to build a bridge over Saco River.

Read a third time, and passed to be engrossed in concurrence.

Bill to alter the names of certain persons therein mentioned.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Additional bill from the Senate regulating the collection of taxes in Boston, and providing for the appointment of Constables in Boston.

Read a third time, and passed to be engrossed in concurrence.

Committee on petition of William Southgate—report a resolve.
Read and passed. Sent up for concurrence.

Bill from the Senate to incorporate the First Congregational Society in the town of Limington.

Read a third time, and passed to be engrossed in concurrence.

Bill to establish the Middleborough and New Bedford Turnpike Corporation.

Read a first, second, and third time, and passed to be engrossed in concurrence.

The bill for establishing the Third Congregational Society in Portland, which passed to be engrossed in this House, on Feb. 18, and was sent to the Senate for concurrence—is now sent back to this House as taken into a new draft; which new draft is now read and concurred in this House.

The House proceeded to consider the bill for straightening the Cambridge and Concord Turnpike; which bill was under consideration at the last session. It passed in the Senate, and was non concurred in this House.

The bill, at this session, has, in this House, been read twice; and now the question for a third reading is put, and determined in the negative.

A bill from the Senate, entitled, "An act regulating the selections, the empannelling, and the services of grand, traverse, and petit jurors, and repealing all laws, or clauses of laws, touching this subject, so far as they are provided for by this act."

Read a first time, and 4 o'clock, P. M. is assigned for a second reading.

Bill to divide the county of Washington into two districts, for the purpose of establishing a Registry of Deeds, and to designate the limits of each district.

Read a third time, and passed to be engrossed.

Sent up for concurrence.

Whereas a number of towns and plantations in this Commonwealth, did not make returns into the Secretary's office, at our

last election for Governor, Lt. Governor, and Senators, as the law directs, in season ; Therefore—

Ordered, That Messrs. Harris, Welles, and Smith of W. S. be a committee to consider the propriety of requesting the Secretary to call on such towns and plantations, to know the reason why they did not—and make return of his doings to the next General Court.

Col. Hathorne called up from the referred file, a resolve for making a grant of eastern land to the Massachusetts Medical Society.

This resolve is now read, and referred to the next General Court, for consideration.

Adjourned till half past 3 o'clock, P. M.

FRIDAY, AFTERNOON, *March 4, 1808.*

Met according to adjournment.

Committee on petition of the Mashpee and Herring Pond Tribe of Indians—report an alteration in the Government of them, that will be less expensive and complicated than the one now over them.

In SENATE, March 4, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee to whom was yesterday referred the consideration of a certain resolve in favor of one Joseph Pomroy, jun. on which a warrant was drawn by mistake—report that the resolve cannot in their opinion be rescinded.

Read and not accepted.

Thereupon a resolve in favor of James Pomroy is.

Read and passed.

Sent up for concurrence.

The House proceeded to consider the report of the committee to which was referred the memorial of the honorable Benjamin Austin, on one of the doctrines contained in the charge of the honorable Theophilus Parsons to the Grand Jury of Suffolk, November 25th, 1806.—The report was read from the chair, and after debate and amendment by the House, was adopted as follows :

“ COMMONWEALTH OF MASSACHUSETTS.

“ *The committee to which was referred the Memorial of Benjamin Austin, relative to a charge delivered to the Grand Jury of the county of Suffolk, Nov. Term, A. D. 1806, by the hon. Theophilus Parsons, Esq. Chief Justice of the Commonwealth, have maturely considered the subject, and beg leave to report the result of their deliberations.—*

“ To define the different degrees of homicide by statutory provisions, and determine what acts shall be murder, manslaughter, or excusable homicide, they deem entirely useless. The jurists of the country from which we have derived our system of laws, have already done it with nice discrimination ; and were we to attempt it, we should only load our statute book with the principles they have already established ; or by innovating upon their general features, should only put to hazard a system tried by the ordeal of centuries, for the probable chance of obtaining others which experience might prove extremely fallacious. To change in particular instances, we should judge inexpedient. We consider this portion of the common law as forming a system by itself, unconnected with the rest of the criminal code of Great Britain. We view it as a whole, possessing the greatest harmony to its relative parts ; as carrying somewhat of its general principles through its most subordinate modification ; and we submit it, whether to alter in particular cases, without the strong expectation of probable good, would not impair that harmony, and destroy that relation of principle which we consider as existing through the whole of the system ? But however perfect a code of laws may be, however proper their general features, still, unless there be a correct exposition of them, by the judicial department, the citizen is not safe in his person or property. Arbitrary opinion takes place of settled precedent ; and the changing sentiments of imperfect man are to direct us in the performance of our social duties, in the room of

“that invariable and settled law, which prescribes what is right, and prohibits what is wrong.” Under this view of the subject we have attentively considered not only the proposition cited by the memorialist, but also that part of the charge which relates to the subject of Homicide.

“The proposition cited in the memorial, considered as a general abstract principle, we apprehend to be correct ; whether we consider it on the ground of rational deduction, or as supported by the uniform precedents in the pleas of the Crown. The Chief Justice states, “but if the party killing had reasonable grounds for believing that the person had a felonious design against him, and under that supposition kill him, although it should afterwards appear that there was no such design, it will not be murder ; but it will be either manslaughter or excusable homicide, according to the degree of caution used, and the probable grounds of such a belief.” Now we conceive that the guilt and essence of the crime of murder, is the overt act being done with malice prepense. Where this is wanting, it either reduces the crime to Manslaughter or excusable homicide. The idea derived from scriptural authority “that whoso sheddeth man’s blood, by man shall his blood be shed,” has always been received with modifications in every code of criminal law. If it were to operate as a general unbending principle, the idiot, who has been denied by Nature the power of discriminating right from wrong ; the woman who kills the assailant in defence of her chastity, and indeed the patriot, who destroys the invader of his country, would stand in the same situation as the cold-blooded assassin and calculating murderer.— In this point of view we should suppose that if from the circumstances proved on the trial, a premeditated design is done away, and the act is conclusively established to be done in consequence of human imperfection ; that the offence would be mitigated, or, in a word, we consider that he who commits the crime of homicide, from malicious motives, is guilty of an offence of deeper malignity than he who perpetrates it from mistaken impressions or in the sudden burst of resentment.

“It is to be observed, that the reasonable grounds of belief which the homicide is supposed to have of the felonious design of the person killed, must be determined from the circumstances of the case ; and must so irresistibly grow out of those circumstances as to put down and destroy entirely the presumption of premeditated design.

“In conformity to this reasoning, are the cases which we have

examined in relation to this principle—and as the subject is of so much importance, we have taken the liberty to cite them.

* “ Yet still, if the party killing had reasonable grounds for believing that the person slain had a felonious design against him ; and under that supposition kill him ; although it should afterwards appear that there was no such design, it will be only manslaughter, or even misadventure, according to the degree of caution used, and the probable grounds of such belief.”

† “ An officer early in the morning pushed abruptly and violently into a gentleman’s chamber in order to arrest him, not telling his business, nor using words of arrest ; and the gentleman not knowing that he was an officer, killed him under the first surprise—Ruled manslaughter, because the bailiff had no offensive weapon in his hand from whence the party might reasonably have presumed that his life and property were aimed at.”

‡ “ Where the maid servant had brought a woman into the house in the evening to help her, unknown to the family, and was letting her out at midnight ; which caused an alarm of thieves, and the master of the house seeing this stranger woman, running to hide herself in the buttery, followed and killed her with a sword—Ruled misadventure.”

“ In both these cases the party killing acted from a mistaken opinion relative to the object of the deceased ; he supposed their designs to be really different from what they were ; and that supposition appeared irresistibly from the circumstances attending the commission of the offence. Hence we conceive that the idea of premeditated malice was done away, and of consequence the crime reduced to a less degree of malignity than murder. And we should suppose, as our Creator has seen fit to confine human intelligence ; as he has circumscribed our mental horizon with clouds and darkness ; in a word, as from our very imperfect natures we must frequently act from motives which have their foundation in error ; that the consequences of that error, if from its attending incidents it be adjudged an honest one, ought not to be considered so criminal or detestable as where an act of atrocious villany be perpetrated from premeditated design.

“ It will be readily perceived that your Committee, in investigating this proposition, only considered it as a general abstract principle ; and have not viewed it in its bearing to other parts of the charge. They think some principles contained in other

* East’s C. L. p. 273.

† Hale’s P. C. p. 470.

‡ Leavitt’s case.

cases might have been adverted to by the Chief Justice peculiarly apposite for the consideration of the Grand Jury ; and which were not brought before them. They have taken the liberty to quote one.

* “ When the assault, though a very violent one, was plainly with a view to chastise the party for his misbehaviour ; and there appeared no intent to aim at his life ; killing the assailant is holden not to be lawful or excusable homicide under the plea of self defence. In Nailer’s case there did not any necessity exist, so as to excuse the killing. The deceased did not appear to aim at the prisoner’s life, but only intended to chastise him for his misbehaviour to his father, and to excuse homicide upon the ground of self defence, there must always appear such a degree of necessity as may reasonably be deemed inevitable.” Why the principles laid down in this case were not noticed, or why a more extended view of the subject of homicide was not taken in the charge, your Committee do not pretend to determine. A reasonable respect for the constituted authorities would induce the belief, that the Chief Justice was not apprized of the leading facts in the case then under consideration. And indeed whatever may be the suggestions of party or prejudice, until the contrary be proved, we are, as legislators, bound to suppose, that in obedience to his duty he kept aloof from their knowledge, even as they floated on the whispers of the day.

“ Under these circumstances the Committee leave the subject with the House to take such order thereon as to them may appear fit and expedient.

“ EDWARD BANGS, *per order*.”

Adjourned till Saturday, 9 o’clock.

SATURDAY, March 5, 1808.

Met according to adjournment.

Committee on Engrossed Bills, report as duly engrossed,

“ An act to incorporate township No. 2, in the second range of townships, on the west side of Kennebec River, in the county of Kennebec, into a town by the name of New Portland.”

* Nailer’s Case.

"An act to incorporate a number of persons for the purpose of building a bridge over Connecticut River, between Prindle's Ferry and Mill Brook, in the town of Northfield, in the county of Hampshire."

"An act, in further addition to an act, entitled, "an act in addition to an act entitled, an act to establish a corporation by the name of the Belchertown and Greenwich Turnpike Corporation."

"An act to establish one other place at which the Courts of Probate shall be holden in the county of Norfolk."

"An act to establish the Middleborough and New Bedford Turnpike Corporation."

"An act to enable the inhabitants of the north parish in the town of Andover, in the county of Essex, to sell their parsonage lands."

"An act to establish the Dartmouth and New Bedford Turnpike."

"An act to incorporate certain persons as trustees, to manage a fund for the permanent support of a school in district No. 3, in the town of Blanford, in the county of Hampshire."

"An act establishing a corporation by the name of the proprietors of Union Wharf."

"An act to establish an academy at Bridgetown, in the county of Cumberland."

"An act to incorporate a religious society, by the name of the Antipedo Baptist Society in the town of New Gloucester."

All which passed to be enacted.

Resolve on petition of Hannah Chore, one of the Natick Indians.

In SENATE, March 4, 1808.

Read and passed.

Sent down for concurrence.

Read and committed to Messrs. Ward, Hunnewell, and Nichols.

Committee on petition of John Woodman and others—report an order of notice.

In SENATE, March 4, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of John Wood and others—report an order of notice.

In SENATE, March 4, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on new trials, on petition of Abigail Barnaby—report an order of notice.

In SENATE, March 4, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Rufus Pierce and others, praying that they may be incorporated for the purpose of erecting a causway from the road leading to Squantum in Dorchester, over certain marshes, to Col. John Pope's upland in Dorchester—report an order of notice.

In SENATE, March 4, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

The committee on the subject of the Brigade Inspector's Returns—report the following resolve :—

“Whereas from the returns in the Adjutant General's office, it appears that some Brigade Inspectors have neglected to perform a part of the duty enjoined on them by law (which is to inspect the several town magazines within their respective Brigades, and present all deficient towns to the Grand Jury in the same county) and have omitted to make returns thereof to the Adjutant General's office ;

“Therefore—*Be it resolved*, That his Excellency the Commander in Chief, be and he hereby is requested to take such measures as he may judge to be proper and necessary in the premis-

es, and issue his orders requiring the several Brigade Majors forthwith to inspect the town magazines within their respective Brigades, and make accurate returns thereof to the Adjutant General's office without delay."

Which proposed resolve is read and passed.

Sent up for concurrence.

The committee of this House to whom was referred the petition of James Nesmith and 196 others, praying for a division of the county of Hancock, report an order of notice.

Read and passed.

Sent up for concurrence.

The House proceeded to consider the bill on the subject of poor debtors, in jail, &c.

The bill is read a third time, and passed to be engrossed.

Sent up for concurrence.

Committee on County Estimates, report a resolve, authorizing a tax for several counties.

Read and passed.

Sent up for concurrence.

Committee on County Estimates, report a resolve for requiring all applications for county taxes to be made on or before the 15th of February, in each year, &c.

Read and passed.

Sent up for concurrence.

Resolve for paying certain persons who acted as officers, and attended as witnesses in the court of impeachment for the trial of Justice Copeland.

Read a first time, and Tuesday next, 11 o'clock, assigned for a second reading.

Resolve in favor of Jonathan Young, came back from the Senate concurred with an amendment, in which this House concur.

Committee on resolve from the Senate on petition of Hannah Chore, report it without amendment. It is then read and concurred.

Bill respecting the second Religious Society in Charlton, came back from the Senate concurred with amendments, in which this House now concur.

Bill providing for the recording of Deeds, &c. in Hopkinton and Upton, came back from the Senate concurred with amendments, in which this House concur.

Bill declaring the town of Jay to be a part of the county of Oxford.

Read a first and second time, and Monday next 10 o'clock, assigned for a third reading.

Committee of both Houses on petition of Jeduthan Willington report a statement of facts, and a resolve thereon—setting aside the doings of a certain court martial, which have effected his removal from the command of a regiment.

Read, and Tuesday next, 11 o'clock, assigned for a second reading, and ordered that 150 copies of said report and resolve be printed in the mean time.

Resolve granting a sett of the Resolves and of the Laws, general and special, and of the Maps of the State, and of Maine, to the Boston Atheneum.

Read and passed.

Sent up for concurrence.

Adjourned till 10 o'clock Monday morning.

MONDAY, March 7, 1808.

Met according to adjournment.

A communication was handed by the Clerk to the Speaker addressed to both branches of the Legislature from F. L. B. Goodwin, Esq. of Frankfort, respecting his agency for the sale of certain Indian lands, in the district of Maine.

Read, and ordered to lie on the table.

On the bill regulating the collection of taxes in Boston, and providing for the appointment of Constables in said town; the

committee reported a bill on the subject, *as taken into a new draft*. Said bill is read again, and reconsidered, and passed to be engrossed—as taken into a new draft.

Sent up for concurrence.

The committee on the resolve in favor of John Waite, a member of this House, report its reference to the next General Court. Accepted.

Bill from the Senate to incorporate Pelatiah Came and others, proprietors of a Mill Dam on Saco river, in Phillipsburg in the county of York, for the purposes therein mentioned.

Read a third time, and passed to be engrossed, in concurrence.

Bill from the Senate declaring the town of Jay to be a part of the county of Oxford.

Read a third time, and passed to be engrossed, in concurrence with the Senate.

Bill from the Senate respecting the general powers of Turnpike Corporations.

Read a third time, and passed to be engrossed, in concurrence.

The House proceeded to read and consider the bill entitled, “An act regulating the selections, the empanneling, and the services of grand, traverse, and petit jurors, and repealing such laws or clauses of laws, touching this subject, so far as they are provided for in this act.”

Said bill being now in its second reading, several of the sections, to wit, the ten first are read and considered ; but before the second reading of said bill was completed—the further consideration of said bill is postponed till tomorrow, 10 o'clock, and committed in the mean time to Messrs. Bangs, Whitman, and Wheeler.

Committee on petition of Robert Gardner, Amasa Stetson, and Benjamin Harris, deposed field officers of the Boston and Chelsea Regiment, report a resolve, which was

In SENATE, March 5, 1808.

Read and passed.

Sent down for concurrence.

And which is now in this House read and made the order of the day for tomorrow, 11 o'clock.

The committee on engrossed bills report as duly engrossed.

" An act in addition to an act entitled an act for incorporating certain persons for the purpose of laying out and making a Turnpike road from Medford to Charlestown neck, and for supporting the same.

" An act to set off Josiah Rockwood from the town of Hopkinton, and annex him to the town of Upton.

" An act to incorporate certain inhabitants in the towns of Bernardston, Greenfield, Gill, and Northfield, by the name of the First Baptist Society in Bernardston.

" An act to incorporate a number of persons in the town of Portland, as a religious society by the name of the third Congregational Society in Portland.

" An act authorizing the disposal of the Parsonage lands in the town of Fryeburg by sale or lease, to raise a fund for the support of ministry, and appointing trustees therefor.

" An act in addition to an act entitled an act, to enable the Trustees appointed to perpetuate the charity of the late Edward Hopkins, Esq. to secure the Tenants in the possession of their Hopkinton and Upton Lands, and for other purposes.

" An act to incorporate a number of inhabitants, residing within the limits of the South Parish of the town of Augusta, in the county of Kennebec, into a religious society, by the name of the Third Religious Society in Augusta.

" An act in addition to an act entitled an act to incorporate a number of the inhabitants of the south east part of Sturbridge, the south west part of Charlton, and the west part of Dudley, all in the county of Worcester, into a parish by the name of the Second Religious Society in the town of Charlton, passed the 28th day of February, 1801.

“ An act authorizing the committee heretofore appointed for that purpose, to make alterations in the laying the road of the Housatonick Turnpike Corporation.

“ An act to authorize Joseph F. Swan to build a toll Bridge at Fryeburgh in the county of Oxford.

“ An act to establish a corporation by the name of the Hudson Turnpike Corporation.

“ An act to incorporate the congregational Parish in the town of Limington, in the county of York.

“ An act declaring the town of Jay, to be a part of the county of Oxford.”

All of which passed to be enacted.

Adjourned till tomorrow, 9 o'clock.

TUESDAY, March 8, 1808.

Met according to adjournment.

A bill which went from this House for the Senate's concurrence, entitled “ An act in further addition to the act, entitled an act for incorporating certain persons for the purpose of laying out, and making a Turnpike Road, from Newburyport to Chelsea Bridge, passed the 8th day of March, 1803,

Came back concurred with amendments at A and B.

Sent down for concurrence.

Read and concurred.

“ An additional bill from the Senate, for regulating the Indians, Mulattoes, &c. at Mashpee Plantation, in the county of Barnstable. Also respecting the Herring Pond tribe of Indians.

Read a first, second, and third time, and passed to be engrossed in concurrence with the honorable Senate, with an amendment.

Sent up for concurrence.

Ordered, That General Eaton, Col. Turner, and Mr. Ripley, be a committee to enquire into the expediency of purchasing, for this Commonwealth, for the purposes of defence, the commanding scites on and near "*Dorchester Heights*," so called, and that said committee be enjoined to report their opinion on the subject, at this session of the General Court.

Committee on the petition of Henry Johnson of Winslow, late a Deputy Sheriff of Kennebec County, wounded with two musket balls on the 24th November, 1807, while in the discharge of his official duty—report a resolve granting him four hundred dollars.

Read a first and second time, and passed.

Sent up for concurrence.

The resolve for granting County Taxes, which passed in this House 5th March, came down concurred with amendments.

Sent down for concurrence.

Read and concurred.

Committee on petition of Francis Yates and others, of Columbia—report leave to withdraw.

In SENATE, March 7, 1808.

Read and accepted.

Sent down for concurrence,

Read and concurred.

Committee of both Houses, to whom were referred the three petitions of John Hodgdon, of Samuel Fowler, and Justin Ely ; of Charles Vaughan and Robert Hallowell ; and of John Coates and others—report a resolve granting the petitioners further time to perform their settling duties, with regard to lands by them possessed in the District of Maine.

In SENATE, March 7, 1808.

Read and passed.

Sent down for concurrence.

Read and ordered that the further consideration of this resolve be postponed till the next General Court.

The " Act for apportioning a tax of \$133,302 52 Cents," &c. which passed in this House, March 1, came back concurred with an amendment.

Sent down for concurrence.

Read and concurred.

The communication of F. L. B. Goodwin, Esq. is

Read and committed to Messrs. Thomas of Bangor, Brown of Boston, and Flagg, of Worcester.

Bill for altering the names of certain persons, passed in this House, March 4, came down from the Senate, concurred with an amendment.

Read and concurred.

Resolve on petition of Martin Nichols and others, a Light Infantry Company in Portland.

Read and passed.

Sent up for concurrence.

Committee on petition of Ebenezer Cheney, report an order of notice.

In SENATE, March 7, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

On the petition of Mark Haskell, the committee report that the subject be referred to the Solicitor General, for him to examine the case, and report to the next General Court.

Accepted and ordered accordingly.

Committee on petition of Lemuel Parker, report a resolve.

In SENATE, March 7, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve for paying the officers and witnesses on the trial of Justice Copeland.

In SENATE, March 5, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred, with an amendment.

Sent up for concurrence.

Bill from the Senate to establish the Brookfield and Charlton Turnpike Corporation.

Read a first and second time, and 4 o'clock, assigned for a third reading.

Committee on petition of Amos Bond, for himself and associates, report its postponement till the next Court.

In SENATE, March 7, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

A proposed resolve for authorizing the Governor to offer a reward for apprehending any of the persons who assaulted Henry Johnson, a Deputy Sheriff of Kennebec County.

Read and committed to Messrs. M'Farland, Davis, and Vinal.

On petition of a number of the Natick Indians, ordered that Hon. Elijah Brigham, Jacob Reeves, and Josiah Stone, Esquires, be a committee to repair to Natick, and enquire into the facts of the petition, and report to the next Court.

In SENATE, March 8, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

The House proceeded to the consideration of the report of the joint committee on the petition of Lt. Col. Jeduthun Willington.

The report and the resolve in this case which were read and passed in Senate, 4th March, and sent down for concurrence, are now both read ; and after full debate the report was accepted, and the resolve was passed without amendment, in concurrence with the hon. Senate.*

* An attested copy of the proceedings of the General Court Martial which tried Lt. Colonel Willington, was on the Speaker's table ; to which recourse was frequently had during the debate on this subject. It had been used in like manner in the Senate. The Judge Advocate of the Court was also present in his seat, as a member of the House. At the time this resolve passed, the Regiment, from which Lt. Col. Willington had been deposed, was under the temporary command of a Major.

This resolve was approved by the Governor, 11th March.

Jeduthun Willington, Esq. resigned his commission as Lt. Col. Commandant of the 1st Reg. 1st Brigade, 3d Division—on the 26th March ; and his Excellency granted him a discharge on the same day.

Ordered, That the bill respecting jurors be the exclusive order of the day until there be a final decision, on the part of this House, on that subject.

Adjourned till 4 o'clock, P. M.

TUESDAY, AFTERNOON, *March 8, 1808.*

Met according to adjournment.

The committee on Engrossed Bills—report as duly engrossed,

“An act, in further addition to the act, entitled, “an act for incorporating certain persons for the purpose of laying out and making a Turnpike Road from Newburyport to Chelsea bridge, passed the 8th day of March, 1803.”

“An act, in addition to an act, entitled, “an act defining the general powers and duties of Turnpike Corporations.”

“An act to incorporate Pelatiah Came and others, proprietors of a mill dam on Saco River, in Phillipsburg, in the county of York, for the purposes therein mentioned.”

“An act, in addition to and repealing part of the first section of an act, entitled, “an act for the better regulating of the Indian, Mulatto, and Negro proprietors and inhabitants of the plantation called Mashpee, in the county of Barnstable, and for other purposes.”

All of which passed to be enacted.

The House proceeded to the consideration of the bill respecting jurors—The committee to whom the bill was referred on Monday last, made report of certain verbal amendments, which the House accepted. The reading of this bill then commenced at the 11th section; it having been read *as in its second reading* on Monday last, from the 1st to the 10th section, both inclusive.

The bill was now read from the 11th to the 15th sections—both inclusive. And then the House

Adjourned till Wednesday morning, 9 o'clock.

WEDNESDAY, March 9, 1808.

Met according to adjournment.

A communication from his Excellency *James Sullivan*, covering a circular letter from the Governor of Virginia, intended to be communicated to the legislatures of all the States in the nation of the United States—proposing that the Senators of the several States in Congress, may be removed from office, by a vote of a majority of the *whole number* of the respective State legislatures, by which said Senators have been elected.

In SENATE, March 8, 1808.

Read and committed to Messrs. Coffin and Thorndike, with such as the hon. House may join.

Sent down for concurrence.

Read and concurred, and Messrs. Smith of W. S. Bangs, and M'Farland are joined.

Order of notice on petition of Ebenezer Niles and others.

In SENATE, March 8, 1808.

*Read and accepted.**Sent down for concurrence.*

Read and concurred.

Bill from the Senate ceding to the United States the jurisdiction of a part of House Island, &c. in the harbor of Portland.

Read a first, second, and third time, and passed to be engrossed, in concurrence with the Senate.

Bill from the Senate to establish the Buckfield and Charlton Turnpike Corporation.

Read a second and third time, and passed to be engrossed, in concurrence with the Senate.

Bill from the Senate to establish the First Universalist Society in the town of Falmouth.

Read a first, second, and third time, and passed to be engrossed, in concurrence with the Senate, with amendments at A and B.

Sent up for concurrence.

A bill which had originated in the Senate, and passed to be enacted in this House on the 29th Feb. 1808, entitled—"An act, in addition to an act, entitled, an act respecting conditional pardons"—is now sent and received from the Senate, together with objections against said bill made by his Excellency the Governor.—Said bill is, by the Senate, indorsed as follows :—

"In SENATE, March 8, 1808.

"The objections of the Governor to this bill, having been entered at large, on the Records of the Senate ; they then proceeded to reconsider the same bill, and thereupon

"Ordered, Two thirds of the members agreeing thereto, that the same bill do pass, the objections aforesaid, notwithstanding.

"Sent down for concurrence.

"SAMUEL DANA, President."

The bill, indorsement, and objections being read—the consideration thereof is postponed till tomorrow, 11 o'clock ; and they are, in the mean time, committed to Messrs. Wheeler, Davis, and Bangs.

This bill is as follows :—

"COMMONWEALTH OF MASSACHUSETTS.

"In the year of our LORD one thousand eight hundred and eight.

"An act in addition to An act, entitled, "An act respecting conditional pardons."

"Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That whenever any person, who hath been, or shall hereafter be sentenced by any Court, of competent jurisdiction, to suffer imprisonment or confinement to hard labor for any crime not capital, shall make application for pardon, the Governor may (if by and with the advice and consent of the Council, he may think proper) grant such pardon, on condition that the convict applying for the same, shall, for and during a term to be prescribed in the charter of pardon, (not exceeding the remainder of the term of confinement to which he has been, or shall be sentenced) depart from this Commonwealth, or from such towns and places within the same, as shall be prescribed, and expressed in the charter of pardon. And if any convict, who shall accept such conditional pardon, and be liberated from imprisonment in pursuance thereof, shall neglect forthwith to comply with the conditions thereof, by departing from the Commonwealth, or from such towns or places, as may be prescribed in such charter

of pardon ; or who having so departed, shall return to this Commonwealth, or to such towns or places, or either of them, under any pretence whatever ; the pardon granted to such convict, shall be thenceforth void—and every such convict shall be deemed and considered as having unlawfully escaped from prison, and be liable to be apprehended, recommitted, and detained upon his sentence, as if no pardon had ever been granted. And it shall be the duty of all magistrates, sheriffs, keepers of prisons, and officers of justice, to aid in apprehending and recommitting such convict, to abide his original sentence.

“ In the HOUSE of REPRESENTATIVES, Feb. 27, 1808.

“ This bill having had three several readings, passed to be enacted,

“ PEREZ MORTON, Speaker.

“ In SENATE, February 29, 1808.

“ This bill having had two several readings, passed to be enacted.

“ SAMUEL DANA, President.”

The Governor's objections are as follow :—

“ Gentlemen of the Senate,

“ On the 29th of Feb. in the present year, was laid before me for my approbation, a bill which had originated with you, entitled—“ An act, in addition to an act, entitled, an act respecting conditional pardons.”

“ I now return it to you, with some few of the many objections I have to it.

“ The 8th section of the 2d chapter of the Constitution provides, that “ the power of pardoning offences, except such as persons may be convicted of before the Senate, by an impeachment of the House, shall be in the Governor, by, and with the advice of the Council.”

“ This vests the authority thus derived from the people, in and by the constitution, where it can never be enlarged, abridged, or explained by either, or by all the other branches of government. A perusal of the act to which this is intended in addition, will shew that these were the ideas which governed the legislature when that act was made ; and as I understand it, was only intended to provide a process, by which the sentence of death might be changed to confinement to hard labor, by giving the power of a removal, to the Executive, and compelling the offi-

ers of the State Prison to receive and hold the convicts. As the branch holding the absolute authority to pardon, must of course have authority to grant it, on condition, there can be no way at common law, or in common sense and reason, to compel a performance of the condition, but by rendering the pardon void on the breach of it. The only method to do this in a manner compatible with the principles of the constitution, is to bring the convict into court on a process of *scire facias*, and there to revive and enforce the former indictment, by a trial for, and a solemn decision upon the breach of the condition on which the pardon had been granted. Thus far there can be no necessity of any legislation on the subject. But it would be convenient to pass an act, providing that when the Governor, with advice of the Council, shall grant to any person convicted, a pardon on condition, and such convict shall accept of the same, and shall afterwards violate, break, or neglect to perform such condition, and be thereof convicted on an indictment in the court where the original conviction was, he shall be punished by fine, imprisonment, or sentence to hard labor. This would be a sentence on a new offence. But this bill proposes to revive a judgment which has been satisfied by a sentence executed, and this without hearing, process, or inquiry; and to put it in the power of magistrates, sheriffs, jailors, &c. to commit a subject to prison without any process, bail or mainprize. This appears, as I apprehend, so much against the principles of the constitution in general, but more particularly against those in the declaration of rights, from the tenth to the fourteenth article inclusively, that I conceive it must have passed without due attention.

“There is an inaccuracy in the expression—“*sentenced to imprisonment, or confinement to hard labor, for any crime not capital.*”

“Whether by the nature of our government, a sentence on condition of expatriation, annexed to a pardon, may be proper, deserves great deliberation; there is no necessity in the present case, to be particular as to what conditions may, by the Executive, be annexed to a pardon; it may be a question how far the legislature can restrain or limit the exercise of that constitutional power; and there can be no danger in allowing it to rest where it now is, excepting that there ought to be a provision fixing the penalties of breaking such conditions as may be annexed to pardons, and accepted by the convict, under the constitutional authority, vested in the supreme Executive power. This bill is on a subject which was not well digested by the per-

son who drew it. I therefore wish, as it deserves much consideration, that it may be referred to the next session of the General Court; and that the Attorney General and Solicitor General may be directed to prepare and report a bill upon it.

“JAMES SULLIVAN.”

“*Council Chamber, March 1, 1808.*”

The House resumed the consideration of the bill respecting jurors; and their debates this day commenced on certain provisions contained in the 15th section, which were in discussion the last evening, immediately before the adjournment. After proceeding in the debate till 1 o'clock, the House

Ordered, That said bill be committed to a committee of seven. Messrs. Ripley, Callender, Brewer, Whitman, Bangs, Apthorp, and Wheeler are appointed of the committee.

A resolve for paying the members of the Committee on Accounts one dollar extra pay per day during their attendance to that service.

Read once and again, and passed.

Sent up for concurrence.

The bill to establish the Providence and Northampton Turnpike Corporation, which passed to be engrossed in this House, 29th Feb.—was now received from the Senate, concurred with amendments, annexed; in which this House concur.

Adjourned till 3 o'clock, P. M.

WEDNESDAY AFTERNOON, March 9, 1808.

Met according to adjournment.

Bill from the Senate to allow the 14th Massachusetts Turnpike Corporation further time to complete their road.

Read a first, second and third time, and passed to be engrossed, in concurrence with the hon. Senate.

On motion of Mr. Smith of W. S. the House reconsider their vote passed yesterday on the resolve on the several petitions of John Hodgdon, Charles Vaughan, John Coates, &c. &c.—which referred them for consideration to the next Court, and the resolve and the several petitions are committed to Messrs. Smith, of W. S. Thomas of Bangor, and Vinal of V. H.

The committee on engrossed bills report as duly engrossed—

“An act to alter the names of certain persons therein mentioned.

“An act to incorporate the proprietors of the Bath Female Accademy.”

Which passed to be enacted.

The House proceeded to consider the report of the joint committee, to whom had been referred the petition of Robert Gardner, Benjamin Harris, and Amasa Stetson, late field officers in the brigade called “The Legion,” and the resolvethereon; which was,

In SENATE, March 5, 1808.

Read and passed.

Sent down for concurrence.

The report and the resolve were now both read and considered, and the question of concurrence with the Senate was put by the Speaker, and decided in the affirmative.* The vote being doubted, seventy one members rose in the affirmative, and twenty three in the negative.

Adjourned till Thursday, 9 o'clock.

* By virtue of an order directed to the Adjutant General, all the proceedings of the Court Martial that tried Lt. Col. Gardner and the rest, were before both branches of the Legislature, while this report and resolve were under their consideration.

THURSDAY, March 10, 1808.

Met according to adjournment.

On petition of the Hon. William Heath, Judge of Probate for the county of Norfolk, the committee report a resolve, granting him pay for travel and extra expenses, incurred in the discharge of his office.

Read and referred for consideration to the next session.

Petition of Thomas Rice, and returned order of notice thereon.

In SENATE, March 9, 1808.

Read and committed to the committee on Turnpikes.

Sent down for concurrence.

Read and concurred.

Bill from the Senate ceding the jurisdiction of a certain piece of land in Kittery called "Battery Pasture," to the United States for the purpose of fortification.

Read a first, second, and third time, and passed to be engrossed, in concurrence with the Senate.

Additional bill from the Senate providing for the cession of Castle Island in the harbor of Boston, to the United States, for the purpose of fortification.

Read a first, second, and third time, and passed to be engrossed, in concurrence with the Senate.

Resolve from the Senate authorizing the Attorney General, &c. to institute suits whereby to determine the validity of certain leases made by the Penobscot Indians.

In SENATE, March 9, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve authorizing the Attorney General, &c. to endeavor to obtain of Col. Josiah Little certain money paid by the Commonwealth for his use, to Nathaniel Dummer, Ichabod Goodwin, and John Lord, agents and referees chosen by the Com-

monwealth and by said Little, under resolves passed 29th June, 1798, and 1st March, 1801, whose award said Little has failed to abide by and perform as he promised.

Read and committed to Messrs. Turner, Brown, and Young.

On the bill, entitled "An act incorporating certain persons by the name of the Proprietors of the Norfolk Cotton Manufactory"—

In SENATE, March 9, 1808.

"Read and non concurred—and the Senate adhere to their own vote ; and

"Ordered, That the hon. Messrs. Hill, Spooner, and King be a committee, on the part of the Senate, to confer with such committee as the hon. House may appoint on their part, on the subject of difference between the two Houses on this bill.

"SAMUEL DANA, President."

The foregoing proceedings of Senate being read, Messrs. Davis, M'Farland, and Endicott are appointed a committee on this subject on the part of this House.

Committee on the subject of returns, &c.—report a resolve, requiring the Secretary to call on the several towns, districts, and plantations, who have been delinquent, to show cause why they did not make returns of their votes for Governor, &c. seasonably at the last election.

Read and passed.

Sent up for concurrence.

Resolve granting the committee, appointed by a resolve of 19th June, 1807, to examine the different ways from the bridge in Augusta, on Kennebec river, to the town of Bangor, a further time to perform that duty.

Read and passed.

Sent up for concurrence.

Ordered, That the committee on the Pay Roll make it up so as to include Sunday next, the 13th of March.

Committee on petition of Archibald M'Neil—report a resolve, allowing him \$350 in full for the land conveyed by him for the purpose of building the State Prison.

Read a first and second time, and passed.

Sent up for concurrence.

It is moved by Mr. Little of Newburyport,

That a committee be appointed to examine into the doings of all incorporated Banks within this Commonwealth, where that right is reserved to the Legislature, in their respective charters, and to make report to the first session of the next General Court.

This motion being seconded, is read from the chair, and committed to Mr. Smith of W. S. Gen. Holman, and Col. Turner.

Col. Thatcher, to whom a motion on the subject had been referred, reported a bill, entitled,

“An act authorizing any Justice of the Supreme Judicial Court, at any term of said Court, to liberate from prison, poor convicts, in certain cases.”

Read a first, second, and third time, and passed to be engrossed.

Sent up for concurrence.

The bill received yesterday from the Senate, entitled, “An act, in addition to an act, respecting conditional pardons”—was read, and also the Governor’s objections, and the Senate’s re-passing of said bill, the objections notwithstanding.

The committee to whom this bill was yesterday referred, not being present to make any report—the consideration thereof was further postponed till 4 o’clock, P. M.

The committee on the bill respecting jurors, made a report of sundry amendments to the bill as it came from the Senate, and of some amendments which the House had made to the bill since it came from the Senate.

After some progress in the consideration of the amendments proposed by the committee—the House

Adjourned till half past 3 o’clock, P. M.

THURSDAY, AFTERNOON, *March 10, 1808.*

Met according to adjournment.

Resolve from the Senate granting pay to the Chaplain, and to the Clerks of both branches.

In SENATE, March 10, 1808.

Read and passed.

Sent down for concurrence.

Read twice and concurred with amendments at A, B, and C.

Sent up for concurrence.

At A "insert three hundred and twenty dollars."

At B add "and eighty."

At C strike out "each."

The committee on engrossed bills—report as duly engrossed.

"An act to incorporate a number of the inhabitants of the town of Falmouth, in the county of Cumberland, as a religious Society, by the name of the First Universalist Society in Falmouth.

"An act to establish the Providence and Northampton Turnpike Corporation.

"An act to incorporate a number of persons in the town of Wiscasset, by the name of the Wiscasset Academical Association.

"An act for allowing a further time to the Fourteenth Massachusetts Turnpike Corporation to complete their road.

"An act providing for the cession of a certain piece of land in Kittery, called Battery Pasture."

All of which passed to be enacted.

The committee appointed by the hon. Senate, and the committee appointed by the hon. House, to confer on the difference of opinion, existing between the Senate and House, on the bill entitled "An act for incorporating Samuel Lowder and others, by the name of the Proprietors of the Norfolk Cotton Manufactory," as taken into a new draft, have attended that service by having a conference, and ask leave to report their recommendation, that the hon. Senate and the hon. House so far recede from their respective votes as to adopt the following amendment, which the committee have agreed upon; and the new draft of said bill when so amended, your committee respectfully recommend should pass to be enacted.

Amendment at A in the close of the 8th section, insert the following proviso,

"*Provided*, That the legislature may from time to time hereafter, upon due notice to said corporation, make such further provisions and regulations for the management of the business of said corporation, and the government thereof, or wholly repeal this act, as shall be deemed expedient."

All which is submitted.

AARON HILL,
WILLIAM SPOONER,
WILLIAM KING,
CHARLES DAVIS,
JOHN ENDICOTT,
WALTER FARLAND.

In SENATE, March 10, 1808.

Read and accepted.

Sent down for concurrence.
SAMUEL DANA, *President.*

Read and concurred.

The House proceeded to consider the several amendments proposed by their committee, to be inserted in the bill from the Senate respecting Jurors. The several amendments were adopted, and then the bill having had three several readings, passed to be engrossed in concurrence with the hon. Senate, with amendments—for it 70, against it 31, whole number 101.

Sent up for concurrence.

A message being announced, the hon. Mr. Hale entered and delivered to the Speaker a packet of accounts, together with a roll, No. 58, the aggregate of which is \$42,625 04 cents; to which was prefixed the following report, "The committee on accounts having examined the several accounts they now present—report that there are due to the corporations and persons hereafter mentioned the sums set to their names, respectively, which when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned.

"Which is respectfully submitted.

"THOMAS HALE, *per order.*"

A resolve was subjoined to the roll, allowing the several sums as reported by the committee on accounts.

In SENATE, March 10, 1808.
Read and accepted.

Sent down for concurrence.

Read once and again, and concurred.

Adjourned till tomorrow, 9 o'clock.

FRIDAY, March 11, 1808.

Met according to adjournment.

The committee to whom was referred the resolve from the Senate on the several petitions of John Hodgdon, John Coates, and others, and Charles Vaughan and others, report a concurrence with the Senate with an amendment at A, which is accepted, and
Sent up for concurrence.

Committee to whom was referred the proposed resolutions for authorizing the Governor to offer a reward of \$500 to any person who will apprehend any of those persons who fired on and wounded Henry Johnson, a Deputy Sheriff of Kennebec, while in the discharge of his duty—report its reference to the next Court.

This report is not accepted ; and the resolve is committed to Messrs. Endicot, Ripley, and Wheeler.

By special permission Gen. Holman had leave to lay on the table an additional bill regulating retailers and tavern keepers.

Read a first and second time, and committed to Messrs. Little of Newburyport, Holman, and Ward,

Resolved, That John Welles, Esq. of Boston, be, and hereby is appointed one of the committee to settle the accounts of the Treasurer of this Commonwealth, agreeably to a resolve which was passed by both Houses the 18th of January last, in the room of Mr. Heath of Roxbury, who, at his own request, is hereby excused from serving as one of said committee.

Sent up for concurrence.

Mr. Andrews of Poland, by permission, read in his place a resolve for reorganizing the militia troops of Boston and Chelsea; which being read from the chair, was referred to the next Court.

The Senate having disagreed to certain of the amendments to the Jury bill proposed by this House, Messrs. Hill, Coffin, and Eggleston of the Senate, and Messrs. Bangs, Wheeler, and Eager of the House, are appointed a committee of conference on the subject.

A resolve offered by Mr. Smith of B. for allowing twelve months from the 24th, of February, 1808, to the agents for the sale of Eastern lands, to settle with certain persons in possession of lands on Mount Desert.

Read and committed to Messrs. Welles, Vinal, and Griswold.

Committee on the bill respecting retailers, &c. reported the same without amendment.

The bill is then read a third time, and passed to be engrossed.

Sent up for concurrence.

Adjourned to 3 o'clock, P. M.

FRIDAY, AFTERNOON, *March* 11, 1808.

Met according to adjournment:

Committee on engrossed bills report as duly engrossed—

“An act in addition to an act entitled an act describing the power of Justices of the Peace in civil actions—Passed March 11, 1784.

“An act in addition to the several acts for the due regulation of licensed houses.

“An act to divide the county of Washington into two districts, for the purpose of establishing a Registry of Deeds, and to designate the limits of each district.

“ An act in addition to an act, entitled, an act to incorporate a number of the inhabitants of the towns of Pittsfield, Hancock, Dalton, and Washington, in the county of Berkshire, into a religious Society, by the name of the Methodist religious Society in Pittsfield, Hancock, Dalton, and Washington.

“ An act to establish the Brookfield and Charlton Turnpike Corporation.

“ An act in addition to an act, entitled, an act providing for the cession of Castle Island in the harbor of Boston, to the United States, and for other purposes therein mentioned.

“ An act in addition to an act, entitled, an act regulating the collection of taxes in the town of Boston, and providing for the appointment of Constables in said town.

“ An act ceding to the United States of America the jurisdiction of a part of House Island, and the extreme end of Spring Point opposite thereto near the entrance of Portland harbor.

“ An act to apportion and assess a tax of \$133,302 52 cents, and providing for the reimbursement of \$36,132 paid out of the public treasury to the members of the House of Representatives, for their attendance at the two last sessions of the General Court.

“ An act in addition to acts regulating the storage, safe keeping, and transportation of gunpowder, within the town of Boston.

“ An act incorporating the proprietors of the Norfolk cotton manufactory.”

All which passed to be enacted.

The Senate non concur the amendments proposed by this House, to the resolve passed in the Senate for paying the Chaplain and Clerks of the General Court——

This House adheres to its own vote and amendments ; and appoint Messrs. Brewer, Crosby, and Cleveland a committee on this subject of difference between the two branches, to confer with such committee as may be appointed on the part of the Senate.

The committee to whom was committed the resolve for authorizing the Governor to offer a reward for apprehending the persons who assaulted Henry Johnson, beg leave to report—that the apprehending of criminals is an executive duty, belonging to the Executive part of Government; and the Governor, with the advice of Council, can issue his proclamation, commanding all executive officers, and every citizen and subject to aid and assist in the apprehending of all persons charged with committing crimes; and can offer and pay \$1000 for apprehending each offender; and that any Sheriff can take with him the power of his county to aid him in the execution of any warrant he has against any person; and every person within the government has a right to apprehend all felons; and provision being already made by law for every thing contemplated by said resolve;—and as this House, it is believed, has not any reason to suspect that the several officers of Government will neglect their duty in apprehending and punishing all offenders—Your committee are therefore of opinion, that the said resolve ought not to pass.

JOHN ENDICOTT, *per order.*

The foregoing report is

Read and accepted—62 for it, and 19 against it.

The committee to whom had been referred the engrossed bill respecting conditional Pardons, to which the Governor had refused his approbation, for reasons assigned—report unanimously, that it is in their opinion expedient that this House recede from their vote.

The bill, the Governor's objections, and the vote of the Senate endorsed on the bill, received in this House 9th March, were all now read again,

And the House proceeded to reconsider their vote, in manner prescribed by the Constitution. After debate the question was put “will this House adhere to their vote, notwithstanding the objections of the Governor?” and the names of all the members being called, the House decided in the negative.

Those who answered in the affirmative are—

Suffolk—William Smith,
Charles Davis.

Middlesex—Nath. P. Watson,
Josiah Mason, jun.
Timothy Wakefield,
Joseph Locke.

Essex—John Prince,
Ebenezer Hart,
Josiah Little,
Edward Little,
Samuel Webster.

Cumberland—Joseph Titcomb.

Yeas 12.

Those who answered in the negative, are—

Suffolk—John Welles,
Edward Tuckerman,
William Phillips,
Stephen Codman,
Benjamin Goddard,
Thomas Danforth.

Middlesex—William Simonds,
Thomas Fletcher, jun.
Israel Hildreth,
Isaac Wright.

Essex—John Hathorne,
William Cleveland,
Joshua Ward,
Joshua Prentiss, jun.
Nathan Felton,
Thomas Davis,
Caleb Norwood, jun.
Thomas Gage, jun.
John Pearson,
Thomas Perley,
James Smiley.

Hampshire—William Eaton,
Eliakim Phelps,
Ashbel Eager.

Plymouth—Daniel Mitchel,
Jacob Cushman,
Charles Turner, jun.
Hawkes Fearing.

Bristol—Jones Godfrey,
Ebenezer Bacon,
Holder Slocum.

Barnstable—Jonas Whitman,
David Nye.

Middlesex—Richard Frothingham,
Samuel Butterfield,
Nathaniel Hall,
Jonathan Oakes,
Abner Sanderson,
Nathan Chandler,
William Hunt,
Jacob Reeves,
Walter M'Farland,
Joseph Chandler,
Samuel Jaques,

Nantucket—Micajah Coffin.

Worcester—Samuel Flagg,
Edward Bangs,
Oliver Crosby,
Jonas Sibley,
Ezra Wood, jun.
Nathan Fisher,
Jonathan Weatherby.

- Worcester*—Edmund Cushing, *Cumberland*—John Jones,
 Samuel Gibson. Benjamin Larrabee,
 Joseph E. Foxcroft,
Berkshire—John Nichols, Samuel Andrews.
 Josiah Newell,
 Samuel H. Wheeler, *Lincoln*—Samuel Thatcher,
 William Young. Farnham Hall,
 Edward Jones.
Norfolk—Ezekiel Tolman,
 Phineas Holden, *Kennebec*—Elnathan Sherwin.
 John Endicott,
 Daniel Ware, *Hancock*—Caleb B. Hall,
 Christopher Webb, Davis Wasgatt,
 Thomas French, William Vinal,
 Lemuel Gay, Ebenezer Frye,
 Joseph Bacon. Abner Bicknel,
 Seth Kempton.
York—Alexander M'Intire,
 Joseph Woodman. *Oxford*—Elias Stowell.
 Nays 83.

So the House agree to recede from their vote.

On the jury bill which had been sent up to the Senate and returned, it is thus written— “ *In SENATE, March 11, 1808.*

“ *Read and concurred in the several amendments made by the House, excepting the amendments made at D and E in the 14th section, and from H to K in the 17th section, to which the Senate disagree ; and*

“ *Ordered, That the hon. Messrs. Hill, Coffin, and Eggleston be a committee on the part of the Senate, to confer with such committee as the hon. House may appoint on their part, on the subject of difference between the two Houses, on this bill.*

“ *SAMUEL DANA, President.*”

“ *In the HOUSE of REPRESENTATIVES, March 11, 1808.*

“ *The foregoing proceedings of Senate being read, the conference proposed by the Senate is concurred in ; and Messrs. Bangs, Wheeler, and Eager are appointed a committee on the part of the House, for the purpose proposed by the Senate.*

“ *PEREZ MORTON, Speaker.*”

“ *COMMONWEALTH OF MASSACHUSETTS.*

“ *The undersigned, appointed by the Senate and House of Representatives, to confer on the disagreement of the two Houses*

as to certain amendments proposed by the House of Representatives to the bill, entitled—"An act regulating the selection, the empannelling, and the services of grand, traverse and petit jurors, and repealing such laws or clauses of laws touching this subject, so far as they are provided for by this act"—Ask leave respectfully to report their opinion, that the House of Representatives should recede from their proposed amendments at D and E in the 14th section ; and also from their amendment from H to K in the 17th section, restoring the original section with amendments, viz.—At A dele "*fifty*" and insert "*twenty*"—At B dele "*twenty*" and insert "*fifty*"—At C dele "*of forty*" and insert "*not exceeding eighty*."

Which is submitted.

AARON HILL,
ISAAC COFFIN,
AZARIAH EGGLESTON,
EDWARD BANGS,
SAMUEL H. WHEELER,
ASHBEL EAGER.

" *In SENATE, March 11, 1808.*

" *Read and accepted.*

" SAMUEL DANA, *President.*"

" *In the HOUSE of REPRESENTATIVES, March 11, 1808.*

" *Read and accepted.*

" PEREZ MORTON, *Speaker.*"

An additional bill from the Senate for regulating the State Prison.

Read once, and referred to the next General Court for further consideration.

Bill from the Senate providing for the payment of a part of the State Debt, &c.

Read a first, second, and third time, and passed to be engrossed in concurrence with the Senate, with an amendment at A.

Sent up for concurrence.

Adjourned till Saturday morning, 9 o'clock.

SATURDAY, *March 12, 1808.*

Met according to adjournment.

Bill from the Senate, to incorporate certain persons to build a Bridge over Sebasticook River, in the town of Winslow.

Read a first, second, and third time, and passed to be engrossed, in concurrence with the Senate.

The committee to whom was referred the consideration of the New Gunners' Quadrant, invented by Mr. C. Hammond—report a resolve.

In SENATE, March 11, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve allowing further time to the agents for the sale of Eastern Lands, to settle with the Mount Desert settlers.

Read and passed.

Sent up for concurrence.

Committee on petition of Samuel Gore and others, proprietors of the Boston Glass Manufactory.

Also, on petition of Ephraim Farrington and others, proprietors of a Glass Manufactory in Berkshire County—report their reference to the next General Court.

Committee on the resolve requiring the Attorney General to endeavor to recover of Col. Little, certain money paid by the State, for the use of said Little, to certain referees or agents, viz. Messrs Dummer, Goodwin, and Lord—report its reference to the next Court.

Not accepted.

A motion for the reconsideration of this vote is postponed for the present.

At 1 o'clock the subject is again called up, and the motion for reconsideration is decided in the negative. The question for passing the resolve then came up. Said resolve was,

In SENATE, March 9, 1808.

Read and passed.

Sent down for concurrence.

It is now in this House,

Read and concurred—65 for, 10 against this vote.

Committee on petition of Wm. Athearn—report leave to withdraw.

In SENATE, March 11, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Resolve for paying Jacob Kuhn sixty dollars, for superintending sundry repairs, &c. since March 5, 1806.

In SENATE, March 11, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve appointing the hon. Nathan Willis, Seth Spooner, and Isaac Lazell, a committee to locate the Middleborough and New Bedford Turnpike.

In SENATE, March 10, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee who have had under consideration the communication from his Excellency, respecting the Penobscot Indians, and inclosing the request of the Solicitor General—report a resolve authorizing H. G. Balch, agent, &c. to pay costs for prosecuting trespassers, out of monies that may be received by him from notes in his hands, the property of the State.

In SENATE, March 10, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

On petition of Nathaniel Scott, the committee report an order of notice.

In SENATE, March 11, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee report an order of notice on petition of Thomas Buckminster and others.

In SENATE, March 11, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Committee on petition of Lois Brown—report leave to withdraw.

In SENATE, March 11, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Committee on engrossed bills—report as duly engrossed,

“An act regulating the selections, empannelling and the services of grand, traverse, and petit Jurors, and repealing such laws, or clauses of laws, touching these subjects, so far as they are provided for by this act,

“An act to incorporate certain persons for the purpose of building a Bridge over Seabasticook River, in the town of Winslow.

“An act for the payment of the State Debt, and for other purposes.”

Which passed to be enacted.

Committee on petition of Peter Perham—report its reference to the next General Court.

In SENATE, March 11, 1808.

Read and accepted.

Sent down for concurrence.

Read and concurred.

Resolve on petition of John Fillebrown.

In SENATE, March 11, 1808.

Read and concurred, with amendments at A and B.

Sent down for concurrence.

Read and concurred.

Committee on the communication received from F. L. B. Goodwin, Esq.—report the reference of the subject to the next Court,
Accepted.

Resolve respecting Joseph Pomroy and James Pomroy.

In SENATE, March 11, 1808.

Read and concurred, with an amendment at A.

Sent down for concurrence.

Read and deferred for consideration until the sitting of the next General Court.

Resolve for paying \$42 to W. A. Gale, a minor, who has acted as assistant to Wm. Gale, the messenger of the Governor and Council ; during a number of days in which said Wm. Gale has been indisposed.

In SENATE, March 12, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Resolve for exempting the keepers of the State Prison from militia duty.

In SENATE, March 4, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

On the resolve for paying the Chaplain and Clerks—the committee of conference report, that the House of Representatives recede from their vote to amend said resolution, excepting the amendment proposing to insert the words “*and eighty*” at B—and that the Senate concur with the House in that amendment.

In SENATE, March 11, 1808.

Read and accepted.

In this House,

Read and accepted.

Resolve discharging J. Ruggles, Esq. inspector of beef and pork, from the sum of \$.1698, received from forty deputy inspectors, appointed by his predecessor—for fees which accrued in part, during the life of his said predecessor ; and all, prior to the appointment of said Ruggles.

In SENATE, March 10, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

A COMMUNICATION FROM THE SECRETARY AND TREASURER.

In obedience to the direction of the General Court, given by their resolutions of the 5th of March, and 19th of June, 1801, the undersigned report—that the Soldiers named in this Roll, have produced satisfactory evidence of their being entitled to the gratuity allowed by said resolves, and that those who have chosen money have been certified to the Governor and Council.

JONATHAN L. AUSTIN, *Secretary.*

TOMPSON J. SKINNER, *Treasurer.*

March 11th, 1808.

<i>Names.</i>	<i>Regiment.</i>	<i>Abode.</i>	<i>Sum.</i>
Joseph Russell,	6th.		20
Richard Joel,	2d.		20
George Moody,	2d.		20
Cicero Sweat,	6th.		20
Israel Loomis,	Crane's	New York.	Land.
Isaac Orgin,			do.
William Lord,			do.

An amended resolve on petitions of John Hodgdon, John Coates and others, Charles Vaughan and others, (which was sent to the Senate for concurrence, was yesterday)

In SENATE, March 11, 1808,

Read and non concurred.

And now in this Houses the subject is referred to the next General Court.

The committee of both Houses, appointed to consider the petitions of Joseph Ward, and John Lucas and others, praying for relief on account of the unequal operation of the Funding System, have attended that service, and ask leave to report—"that in their opinion the case requires particular investigation, they therefore recommend, that three Commissioners be appointed by the two Houses, for the purpose of hearing the Petitioners, examining the laws and documents, and all the circumstances relating to that species of the public Debt, called the NEW EMISSION MONEY, and decide *finally*, what is due according to

the principles of *equity* ; and that the petitioners have leave to bring in a resolve accordingly.

“ Which is submitted.

“ A. HILL, *per order*.”

In SENATE, March 10, 1808.

Read and not accepted.

Sent down for concurrence.

Read and referred to the next Court.

The committee on the subject of amending the laws providing for the inspection of Fish—report its reference to the next Court.

Accepted.

A resolve for appointing a committee with full power to examine into all the acts and doings of the President, &c. of the Berkshire Bank, and report a state of facts to the next General Court.

A similar resolve respecting the Penobscot Bank.

Also, a resolve for examining into the circumstances of all the Banks in this State, excepting the Berkshire Bank, and the Penobscot Bank.

Also, that the committee be directed to return a copy of the Bye Laws of the several Banks, to the Secretary of the Commonwealth, of such of the Banks whose circumstances they investigate.

Read and passed.

Sent up for concurrence.

The hon. Mr. Otis came with a message from the hon. Senate, to inform this House, that in the engrossed bill respecting Jurors, the following words, at the end of the 15th section, were inserted by mistake, and contrary to the sense of the honorable Senate, viz. “ and in no case shall any Court have power or right to set aside the verdict of any Jury, and grant a new trial more than once, for cause, that such verdict is against law, in the opinion of the Court.”

The foregoing words were not in the bill when it was first sent from the Senate ; it is a proposed amendment of the House, which the Senate unanimously non concurred ; and which the committee of conference neglected to consider and report upon.

The Senate propose that said words should be struck out.

After Mr. Otis withdrew the question for striking out said words, was put, and decided in the negative ; a motion was then made by Mr. Welles to reconsider said vote ; said vote was then reconsidered, and thus the House accede to the proposal of the Senate, and Mr. Wheeler goes with a message to the Senate to inform them thereof.

Resolve empowering the Commander in Chief to procure to be mounted on travelling Carriages, not exceeding the number of 12 of the large cannon belonging to the State.

4	of	12	pound	}	Calibre.
4	of	18	do.		
4	of	24	do.		

and for repealing the resolve of the 2d of March, which provides for the mounting of the State's Ordnance.

In SENATE, March 12, 1808.

Read and passed.

Sent down for concurrence.

Read and concurred.

Mr. Davis of the committee to whom the subject had been referred—reports a proposed

Resolve pointing out certain identifying circumstances to be observed by all petitioners for a change of their names.

Read and referred for consideration to the next General Court.

The committee on the Pay Roll—reported the same, amounting to \$30,514—which report is read and accepted ; and thereupon it is ordered that his Excellency the Governor be requested, by and with the advice and consent of Council, to draw his warrant on the Treasurer for the above sum, to be paid to the members of the House, in the proportion mentioned and annexed to their names respectively in said Roll.

Adjourned till half past 3 o'clock, P. M.

SATURDAY, AFTERNOON, *March 12, 1808.*

Met according to adjournment.

In SENATE, March 12, 1808.

Ordered, *That the hon. Messrs. Hale and Coffin, with such as the hon. House may join, be a committee to wait on his Excellency the Governor, and inform him, that the two branches of the legislature have passed upon the public business before them; and to request his Excellency, with advice of Council, to adjourn them to the Tuesday next preceding the last Wednesday of May next.*

Sent down for concurrence.

Read and concurred, and Messrs. Smith of W. S. Titcomb of P. and Cleveland of S. are joined.

On the petition of Betsey Davis and John Partridge, administrators on the estate of Joshua Davis—the committee of this House report an order of notice.

Read and passed.

Sent up for concurrence.

The committee appointed to inquire into the expediency of purchasing for this Commonwealth, for the purposes of defence, the commanding scites on and near Dorchester's Point, have attended that duty—and ask leave to report their opinion, that such a purchase for said purposes, is expedient.

Which opinion is submitted.

WILLIAM EATON, *per order.*

The foregoing report is read and laid on the table; and the consideration of this subject is deferred until the sitting of the next General Court.

On a motion offered by Col. Flagg, which he read in his place, and laid on the Clerk's table—it is

Voted unanimously, That the thanks of this House be, and are hereby presented to the Hon. PEREZ MORTON, Speaker, for the able, faithful, and impartial discharge of his official duties, during the present General Court.

The resolve (passed yesterday in this House, appointing John Welles, Esq. in the room of J. Heath, Esq. a commissioner to inspect the Treasurer's accounts) is,

In SENATE, March 12, 1808.

Read and concurred, with an amendment, viz.—dele “John Welles, Esq. of Boston,” and insert “Joshua Ward, of Salem.”

Sent down for concurrence.

Read and non concurred.

Mr. Smith of W. S. (of the joint committee appointed to wait on his Excellency, to inform him that the two branches had passed on the business before them—and request him to adjourn them, &c.)—made report, that the joint committee had performed the service assigned them.

A message being announced by the door keeper—Mr. Secretary Austin came in and read the following :—

Mr. Speaker,

I am directed by his Excellency the Governor, to inform this hon. House that he has approved of, and signed the following acts, passed by both branches of the legislature, during the present session, viz.

An act to establish the shire town, and the times and place for holding the courts of Common Pleas, within and for the county of Oxford.

An act to incorporate a part of the towns of Boylston, Holden, and Sterling, into a separate town by the name of West Boylston.

An act to establish the Nashua Turnpike Corporation.

An act to incorporate certain persons for the purpose of building a bridge over Androscoggin River at Lewiston, between Twenty mile Falls and the Ferry Way.

An act to incorporate a society by the name of the Massachusetts Missionary Society.

An act to annex Peter Perry and others, of the towns of Stockbridge and West Stockbridge, to the First Baptist Society in the town of West Stockbridge.

An act, in addition to an act, entitled, an act to establish the Petersham and Munson Turnpike Corporation, passed Feb. 28, A. D. 1804, and in addition to one other act, passed 19th June, 1807.

An act to prevent fraud and deception in curing and packing smoked Alewives and Herrings, and to regulate the size and

quality of the boxes, and the exportation thereof from this Commonwealth.

An act to incorporate Gideon O'Brien and others, for the purpose of maintaining a Boom across the west branch of Machias River, in Machias, in the county of Washington.

An act to incorporate a number of the inhabitants of Abington, and the east parish in Bridgewater, and one person in the west parish of Pembroke, into a religious society by the name of the Union Calvinistic Society, in the south part of Abington.

An act to explain and amend the laws respecting courts of General Sessions of the Peace.

An act to incorporate a number of the inhabitants of the town of Marlborough, in the county of Middlesex, into a religious society by the name of the Second Parish in Marlborough.

An act to give the district of Alfred, in the county of York, the rank and privileges of a town.

An act to establish an academy at Warren, in the county of Lincoln, by the name of the Warren Academy.

An act, in addition to an act, entitled, an act regulating parishes, precincts, and the officers thereof.

An act to incorporate the members of a society by the name of the Baptist Missionary Society in Massachusetts.

An act to divide the first precinct in the town of New Bedford, in the county of Bristol, and to incorporate a religious society, by the name of the Bedford Precinct, in said town.

An act to establish an academy in the town of Belfast, in the county of Hancock, by the name of the Belfast Academy.

An act authorizing the sale of the ministry lands in the town of Livermore, in the county of Oxford, by which to raise a fund for the support of the ministry in said town.

An act establishing a corporation, by the name of the Social Insurance Company.

An act to incorporate Peleg Tallman and others, into a company by the name of the Kennebec Marine Insurance Company.

An act to incorporate the easterly part of the town of Cambridge, into a parish, by the name of the Cambridgeport Parish, and for other purposes.

An act to incorporate a number of persons in the towns of Poland, Minot, and New Gloucester, by the name of the First Methodist Society in Poland.

An act determining the places of holding the courts of Probate in the county of Hampshire, and repealing all laws heretofore made on that subject.

An act declaring and confirming the incorporation of the proprietors of the new meeting house in Saco.

An act in addition to several acts for granting lotteries for the purpose of completing the locks and canals at Amoskeag Falls, in the State of New Hampshire.

An act for incorporating certain persons for the purpose of building a bridge over Charles river, between Cambridge and Brighton, in the county of Middlesex.

An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions.

An act to divide the town of Freeport, in the county of Cumberland, and to incorporate the northwesterly part thereof into a separate town by the name of Pownal.

An act to incorporate the proprietors of India Wharf, in the town of Boston.

An act further to continue in force an act, entitled, an act to establish the Taunton and New Bedford turnpike corporation.

An act in addition to an act, entitled, an act to incorporate sundry persons into a company, by the name of the Proprietors of the Exchange Coffee House.

An act to preserve and secure from damage Salter's Beach, so called, and the meadows thereto adjoining, in the town of Duxbury.

An act to incorporate the Proprietors of the meeting house of the first Baptist Society in Newburyport.

An act to set off certain persons from the first parish in the town of Fitchburg, in the county of Worcester, and to annex them to the second society in said town.

An act in further addition to the act, entitled, an act to secure to owners their property in logs, masts, spars, and other timber in certain cases.

An act to authorize the sale of the school lands, in the town of Columbia, in the county of Washington, and to appropriate the proceeds thereof as a fund for the support of schools in the said town.

An act to incorporate the proprietors of a new meeting house, in the fourth parish in Newbury, in the county of Essex.

An act to alter the time of holding one of the terms of the Court of Common Pleas and Court of Sessions in and for the county of Barnstable.

An act to annex an unincorporated tract of land, called and known by the name of Little River Plantation, to the town of Lisbon, in the county of Lincoln.

An act in addition to an act, entitled, an act to incorporate a number of the inhabitants in the town of Limington, in the county of York, into a separate religious society, by the name of the first Baptist Society in Limington.

An act in addition to an act, entitled, an act to establish the sixteenth Massachusetts Turnpike Corporation.

An act to incorporate township Number Three, in the second range of townships on the west side of Kennebec river, in the county of Kennebec, into a town by the name of Freeman.

An act in addition to an act, entitled, an act establishing the sixteenth Massachusetts Turnpike Corporation.

An act to establish the Hingham and Quincy Bridge and Turnpike Corporation.

An act to incorporate a number of persons in the town of Portland, as a religious society by the name of the Third Congregational Society in Portland.

An act in addition to an act passed in the year of our Lord one thousand seven hundred and forty one, entitled, an act to enable the trustees appointed in his majesty's high Court of Chancery, to purchase houses or lands, and to improve the same for perpetuating the charity of the honorable Edward Hopkins, Esq. more effectually to secure the interest of ther several tenants; in possession of their Hopkinon and Upton lands, and the revenue of those lands to the College and Grammar School at Cambridge, according to the true intent of all parties, at the first settlement of that town.

An act in addition to an act, entitled, an act for incorporating certain persons, for the purpose of laying out and making a Turnpike road from Medford to Charlestown neck, and for supporting the same.

An act authorizing the committee heretofore appointed for that purpose, to make alterations in the laying out the road of the Housatonic Turnpike Corporation.

An act in addition to an act, entitled an act to incorporate a number of the inhabitants of the southeast part of Sturbridge, the southwest part of Charlton, and the west part of Dudley, all in the county of Worcester, into a parish by the name of the Second Religious Society in the town of Charlton, passed the twenty eighth day of February, 1801.

An act declaring the town of Jay to be a part of the county of Oxford.

An act to establish a corporation by the name of the Hudson Turnpike Corporation.

An act to establish an Academy at Bridgetown in the county of Cumberland.

An act to incorporate the Congregational Parish in the town of Limington, in the county of York.

An act to incorporate a religious society by the name of the Antipedo Baptist Society, in the town of New Gloucester.

An act to authorize Joseph F. Swan to build a toll Bridge at Fryeburg, in the county of Oxford.

An act to set off Josiah Rockwood from the town of Hopkinton, and to annex him to the town of Upton.

An act establishing a corporation by the name of the Proprietors of Union Wharf.

An act authorizing the disposal of the Parsonage Lands in the town of Fryeburg, by sale or lease, to raise a fund for the support of Ministry, and appointing Trustees therefor.

An act to incorporate a number of inhabitants residing within the limits of the south parish of the town of Augusta, in the county of Kennebec, into a religious society, by the name of the Third Religious Society in Augusta.

An act to incorporate certain inhabitants in the towns of Bernardston, Greenfield, Gill, and Northfield, by the name of the First Baptist Society in Bernardston.

An act to establish the Dartmouth and New Bedford Turnpike.

An act to incorporate Pelatiah Came and others, Proprietors of a Mill Dam on Saco River, in Phillipsburg, in the county of York, for the purposes therein mentioned.

An act to establish one other place at which Courts of Probate shall be holden in the county of Norfolk.

An act to establish the Middleborough and New Bedford Turnpike Corporation.

An act to enable the inhabitants of the North Parish, in the town of Andover, in the county of Essex, to sell their parsonage lands.

An act to incorporate certain persons trustees, to manage a fund for the permanent support of a School in District number three, in the town of Blanford, in the county of Hampshire.

An act, in addition to an act, entitled, an act defining the general powers and duties of Turnpike Corporations.

An act in further addition to the act, entitled, an act for incorporating certain persons, for the purpose of laying out and making a Turnpike Road, from Newburyport to Chelsea Bridge ; passed the 8th day of March, 1803.

An act in addition to, and repealing part of the first section of an act, entitled, an act for the better regulating of the Indian, Mulatto, and Negro proprietors and inhabitants of the plantation called Marshpee, in the county of Barnstable, and for other purposes.

An act in further addition to an act, entitled, an act in addition to an act, entitled an act, to establish a Corporation by the name of the Belchertown and Greenwich Turnpike Corporation.

An act to incorporate a number of persons, for the purpose of building a Bridge over Connecticut River, between Prindle's Ferry and Mill Brook, in the town of Northfield, in the county of Hampshire.

An act to incorporate township Number Two, in the second range of townships, on the west side of Kennebec river, in the county of Kennebec, into a town by the name of New Portland.

An act to alter the names of certain persons therein mentioned.

An act to incorporate the proprietors of the Bath Female Academy.

An act incorporating the proprietors of the Norfolk Cotton Manufactory.

An act in addition to acts regulating the storage, safe keeping, and transportation of Gunpowder, within the town of Boston.

An act in addition to an act, entitled, an act providing for the cession of Castle Island, in the harbor of Boston, to the United States, and for other purposes therein mentioned.

An act in addition to an act, entitled, an act to incorporate a number of the inhabitants of the towns of Pittsfield, Hancock, Dalton, and Washington, in the county of Berkshire, into a religious society, by the name of the Methodist Religious Society in Pittsfield, Hancock, Dalton, and Washington.

An act ceding to the United States of America the jurisdiction of a part of House Island, and the extreme end of Spring Point, opposite thereto, near the entrance of Portland harbor.

An act to establish the Providence and Northampton Turnpike Corporation.

An act in addition to the several acts for the due regulation of licensed houses.

An act for allowing a further time to the fourteenth Massachusetts Turnpike Corporation to complete their road.

An act to incorporate certain persons for the purpose of building a bridge over Sebastacook river in the town of Winslow.

An act to divide the county of Washington into two districts, for the purpose of establishing a Registry of Deeds, and to designate the limits of each district.

An act providing for the cession of a certain piece of land in Kittery, called Battery Pasture.

An act in addition to an act, entitled, an act describing the powers of Justices of the Peace in civil actions, passed the eleventh day of March, seventeen hundred and eighty four.

An act in addition to an act, entitled, an act regulating the collection of taxes in the town of Boston, and providing for the appointment of Constables in said town.

An act to establish the Brookfield and Charlton Turnpike Corporation.

An act, to incorporate a number of persons in the town of Wiscasset, by the name of the Wiscasset academical association.

An act to incorporate a number of the inhabitants of the town of Falmouth, in the county of Cumberland, as a religious society by the name of the First Universal Society in Falmouth.

An act regulating the selections, the empannelling and the services of grand, traverse, and petit Jurors, and repealing such laws, or clauses of laws, touching these subjects, so far as they are provided for by this act.

An act providing for the payment of a part of the State debt, and for other purposes.

An act to apportion and assess a tax of one hundred and thirty three thousand, three hundred and two dollars, and fifty two cents, and providing for the reimbursement of thirty six thousand one hundred and thirty two dollars, paid out of the public Treasury to the members of the House of Representatives, for their attendance at the two last sessions of the General Court.*

MR SPEAKER,

The Governor having received the Message of the honorable Senate, and the honorable House of Representatives, by their joint committee, that they had no business before them; and that they requested him to adjourn them; and having received the advice of the honorable Council thereon, that the General Court should be adjourned to the day next preceding the last Wednesday of next May; the Governor, as Chief Magistrate of the Commonwealth, thanks the two Houses for the ready at-

* The foregoing is a complete list of all the bills passed by both Houses, to be enacted, which have become laws, except one entitled, "An act in addition to an act, entitled, an act for incorporating certain persons for the purpose of building a Bridge over Charles River, by the name of the Canal Bridge, and for extending the interest of the Proprietors of the West Boston Bridge." This bill having been under the Governor's consideration more than five days, and not having been returned by him, has by force of the Constitution become a law without his express approbation and signature.

tention they have given to his communications ; and, as their fellow citizen, makes his acknowledgments for the assiduity with which they have conducted the great variety of business they have had before them in this tedious session ; and by and with the advice of the Council, he adjourns the General Court to the day next preceding the last Wednesday of next May ;—and the General Court are adjourned accordingly.

The Secretary then withdrew, and the Members separated.

APPENDIX.

*Names of Members to whom, on request, the House have, from
time to time, granted leave of absence.*

Leave Granted.

Certificate dated,

JANUARY,

<i>Saturday</i>	16	Mr. Keeler,	of Sanford,	<i>Jan. 18</i>
<i>Monday</i>	18	Col. Crosby	Brookfield,	
<i>Thursday</i>	21	Mr. Pierce	Middleborough,	21
<i>Friday</i>	22	Adams	Mendon,	
<i>Saturday</i>	23	Cogswell	Ipswich,	
	23	Bacon	Franklin,	23
	23	Wright	Wilbraham,	23
	23	Munger	South Brimfield,	25
	23	Cobb	Portland,	23
	23	Story	Salem,	25
	23	Gen. Spurr	Charlton,	
<i>Wednesday</i>	27	Mr. B. Osgood	Methuen,	
	27	Dickinson	Machias,	27
	27	Sikes	Ludlow,	27
<i>Thursday</i>	28	E. Wood	Upton,	
	28	Moore	Worcester,	
	28	Bigelow	Leominster,	29
	28	Longley	Boylston,	
	28	Sibley	Sutton,	
	28	Clift	Marshfield,	
	28	Woodbridge	South Hadley,	28
<i>Friday</i>	29	Dimmick	Falmouth,	29
	29	Brooks	Acton,	
	29	Moors	Groton,	
	29	Robbins	Green,	<i>Feb. 1</i>
	29	Barstow	Rochester,	<i>Jan. 30</i>

Leave Granted

Certificate dated.

JANUARY,

<i>Friday</i>	29	Mr. Day	of Wrentham,	
<i>Saturday</i>	30	Robbins	Carlisle,	<i>Feb. 3</i>
	30	Smith	Coleraine,	2
	30	McLellan	Canaan,	<i>Jan. 30</i>
	30	Chandler	Petersham,	<i>Feb. 5</i>
	30	Bacon	Stockbridge,	

FEBRUARY,

<i>Tuesday</i>	2	J. Webster	Salisbury,	<i>Feb. 4</i>
	2	C. Sargent	Amesbury,	6
	2	Dr. Barstow	West Stockbridge,	8
	2	Mr. I. B. Barker	Pembroke,	
	2	S. Wood	Winthrop,	2
	2	Hall	Pembroke,	
	2	Percival	Sandwich,	3
	2	Hale	Swansey,	
	2	Atkinson	Phillipsburg,	8
	2	Shepard	Wrentham,	5
<i>Wednesday</i>	3	Bowen	Troy,	5
	3	Conant	Alfred,	10
	3	Purinton	Somerset,	5
	3	Kettell	Limington,	6
	3	Spauldin	Norridgewock,	10
	3	Haskell	Rochester,	5
	3	Hartwell	Littleton,	6
	3	Osgood	Gardner,	5
<i>Thursday</i>	4	Pearson	Newburyport,	
	4	Pickens	Middleborough,	4
	4	Whitcomb	Stow,	5
	4	Hathaway	Dighton,	10
<i>Friday</i>	5	Faunce	Kingston,	
	5	Doane	Yarmouth,	8
	5	Bacon	Attleborough,	5
	5	Paddock	Dennis	8
	5	Crowninshield	Salem,	5
<i>Saturday</i>	6	Williams	Savoy,	11
<i>Monday</i>	8	Chapman	Bethel,	11
	8	Clift	Marshfield,	16
	8	Jones	Milford,	9

Leave Granted.

Certificate dated.

FEBRUARY,

<i>Tuesday</i>	9	Hon. J Bacon*	of Stockbridge,	<i>Feb.</i>	17
	9	C. Phelps	Hadley,		9
	9	Davis	Tisbury,		17
<i>Wednesday</i>	10	Collamore	Scituate,		12
	10	Cook	Edgartown,		12
	10	Baldwin	Egremont,		
	10	Ely	Longmeadow,		10
	10	Freeman	Sandwich,		
	10	Stoddard	North Hampton,		
	10	Churchill	Pittsfield,		11
	10	Tobey	Berkley,		11
	10	Field	Western,		10
	10	A. Adams	Townsend,		17
	10	Gurney	Abington,		
	10	I. B. Barker	Pembroke,		12
	10	Wells	Adams,		11
	10	Wheaton	Norton,		12
<i>Friday</i>	12	Robinson	Charlton,		12
<i>Saturday</i>	13	Brooks	Acton,		15
	13	Rindge	Wilbraham,		15
	13	Gay	Stoughton,		13
	13	Fish	Duxbury,		17
	13	A. Brown	Monson,		15
	13	Allen	New Salem,		13
	13	Kingsbury	Walpole,		13
<i>Monday</i>	15	Billings	Sharon,		15
	15	Dr. Thurber	Bellingham,		16
	15	Mr. A. Davis	Oxford,		18
	15	W. Drury	Holden,		19
	15	Morrill	Falmouth,		16
<i>Tuesday</i>	16	W. Whitney	Winchendon,		16
	16	Gregory	Royalston,		16
	16	Webster	Leyden,		
	16	Washburn	Raynham,		18
	16	Allen	Sterling,		18

* This Gentleman not having availed himself of the leave of absence granted him on the 3rd ult. within the time limited by the rules and orders, now renews his request, and has leave to absent himself at any time when it may suit his convenience.

Leave Granted.

Certificate dated.

FEBRUARY.

<i>Tuesday</i>	16	Mr. Hawes	of New Bedford,	<i>Feb.</i>	16
<i>Wednesday</i>	17	Fitz	Newburyport,		17
	17	Col. Bradley	Lee,		19
	17	Mr. Faunce	Kingston,		19
	17	Col. Hayden	Braintree,		18
<i>Thursday</i>	18	Mr. Z. Wheeler	New Marlborough,		22
	18	Lothrop	Cohasset,		23
	18	Hale	Swanzy,		19
	18	Hooper	Springfield,		24
	18	Clap	East Hampton,		22
	18	Hall	Pembroke,		19
<i>Friday</i>	19	J. Bowman jr.	New Braintree,		19
	19	Tinkham	Middleborough,		19
	19	Wilson	Tyringham,		19
	19	Gage	Augusta,		24
	19	Baldwin	Egremont,		19
	19	E. Williams	Ashfield,		22
	19	Gurney	Abington,		19
	19	Simonds	Tewksbury,		
	19	M'Millan	Fryeburg,		26
	19	Fletcher	Westford,		20
	19	Dean	Dedham,		
<i>Saturday</i>	20	Chenery	Medfield,		23
	20	Lothrop	Barnstable,		22
	20	Bangs	Harwich,		27
	20	Stiles	Sutton,		24
<i>Monday</i>	22	Shead	Eastport,		22
	22	Picket	Sandisfield,		22
	22	Dr. Mitchell	North Yarmouth,		24
	22	Mr. Newcomb	Leyden,		25
	22	Keyes	Northborough,		26
	22	Bascom	Gill,		25
	22	Webster	Bernardston,		25
	22	B. Osgood	Methuen,		22
<i>Tuesday</i>	23	J. Adams	Mendon,		23
	23	Given	Brunswick,	25	27
	23	Leland	Grafton,		24
	23	Webster	Bradford,		24
	23	Stoddard	Northampton,		25

Leave Granted.

Certificate dated.

FEBRUARY.

<i>Tuesday</i>	23	Mr. S. Dearborn jr. of Monmouth,	<i>Feb.</i>	25
	23	Neil Litchfield,		25
	23	Fish Duxbury,		24
	23	D. Lothrop jr. Leeds,		27
	23	Legro Lebanon,		24
	23	Paige Hardwick,		24
	23	Mower Worcester,		24
	23	Eldred Pittston,		25
	23	Knox Blandford,		24
<i>Wednesday</i>	24	Butts Falmouth,		25
	24	J. Whitney Westminster,		26
	24	M. Carr Belgrade,		25
	24	Norton Farmington,		25
	24	J. Perkins Nobleborough,		26
	24	Tisdale Eastown,		25
	24	M'Clanathan Hubbardstown,		25
	24	B. Drury Spencer,		25
	24	Pearson Newburyport,		
<i>Thursday</i>	25	Granger Granville,		29
	25	Dr. Phelps Chester,		29
	25	Mr. Hovey Mount Vernon,		27
	25	Longley Boylston,		25
	25	Hunt Sudbury,		26
	25	Howard Newburyport,		26
	25	Morrill Salisbury,		25
	25	Smith Granby,	25	29
	25	Caldwell Barre,		
<i>Friday</i>	26	Carlton New Milford,		
	26	Daniels Medway,		26
	26	Hammond Topsfield,		26
	26	Hinds Clinton,		27
	26	Plimpton Sturbridge,		29
	26	Stearns Lancaster,	<i>March</i>	1
	26	Weatherby Harvard,		
	26	Pearce Gloucester,	<i>Feb.</i>	26
	26	Hoar Lincoln,		26
	26	Chapman Beverly,		27
	26	Whitcomb Stow,		27
	26	Forward Southwick,		26

Leave Granted.

Certificate dated:

FEBRUARY.

<i>Friday</i>	26	Mr. Somes	of Gloucester,	
<i>Saturday</i>	27	Col. Alexander	Northfield,	<i>Feb.</i> 29
	27	Mr. Cobb	Orange,	29
	27	Pearson	Gloucester,	
	27	Lewis	Gorham,	27
	27	S.F. Dickinson	Amherst,	27
<i>Monday</i>	29	Carr	Orrington,	29
	29	Holbrook	Windsor,	<i>March</i> 2
	29	Howe	Shrewsbury,	<i>Feb.</i> 29
	29	Heald	Pepperell,	<i>March</i> 2
	29	Pearce	New Salem,	<i>Feb.</i> 29
	29	Hight	Scarborough,	<i>March</i> 3
	29	Pearson	Chesterfield,	<i>March</i> 1
	29	Hasey	Topsham,	<i>March</i> 1

MARCH.

<i>Tuesday</i>	1	Loring	Marlborough,	<i>March</i> 3
	1	Moody	Saco,	2
	1	Rice	Kittery,	4
	1	Elliot	Bristol,	2
	1	Dr. Mann	Castine,	1
	1	Mr. Kneeland	Andover,	
<i>Thursday</i>	3	Chamberlain	Holliston,	3
	3	Murray	New Castle,	3
	3	Maj. Turner	Turner,	3
	3	Mr. Perley	Livermore,	3
<i>Friday</i>	4	Maj. Ulmer	Lincolnvill,	4
	4	Gen. Spurr	Charlton,	4
	4	Mr. Lothrop	Cohasset,	4
	4	Jewett	Gardiner,	4
	4	Judge Spooner	Plymouth,	4
<i>Saturday</i>	5	Mr. G. Conant	Becket,	5
	5	Maj. Ulmer	Lincolnvill,	10
	5	Mr. Jenks	Portland,	7
	5	Moody	Hallowell,	8
<i>Monday</i>	7	Day	Wrentham,	7
	7	Marston	Parsonsfeld,	10
	7	Carlton	Wiscasset,	9

Leave Granted.

Certificate dated.

MARCH.

Wednesday	9	Whittier	Belfast,	11
	9	French	Rehoboth,	11
Thursday	10	Leighton	Shapleigh,	10

A member who has obtained leave of absence, applies to the Clerk while the House is not in order, for a certificate; on which the committee who make up the pay roll will indorse the amount of travel and attendance for which the member is entitled to pay at the Treasury: but if the member intend to take his seat again during the session, and can conveniently forbear his call at the Treasury until the pay roll is completed, the Clerk's certificate is unnecessary.

[See Page 191.]

COMMONWEALTH OF MASSACHUSETTS.

The Committee appointed by the Resolve of the Honorable Legislature, dated March, 1806, to explore and survey a route for a water communication from the harbor of Boston, through the towns of Weymouth, Abington, Bridgewater, Raynham, by Taunton river, Narraganset Bay, to Long Island Sound, beg leave to

REPORT—

That they commenced the survey at high water mark, Weymouth Fore River Landing, and passed over the most suitable land for making a water communication through the towns described in their commission, taking the course, distance, and difference of level, at every station. The distance on this route from the commencement of the survey, to the tide water at William's landing place, Taunton river, is twenty-six miles: the highest land they passed over, is at Howard's meadow, in Bridgewater, which is 132 feet 10 inches 4-10ths above the tide water. This height we should have considered as an insurmountable impediment, and have abandoned any further survey, but from the elevated situation of the ponds in its vicinity, viz. Weymouth Great Pond is about four miles from the Landing place, the height of which is 147 feet 5 inches 4-10ths above the tide water, and 14 feet 7 inches above the highest land on this route. The surface of this pond contains 507 acres, 16 rods; its depth varies from 10 to 18 feet. The overflowing of this pond formerly was in two directions, one running to the south into Taunton river, the other north into Weymouth river, but the late improvements for the erection of mills on the northern outlet, has so lowered the pond, that the water now passes through this outlet only, on which stream there are five mills; which in some years, as in the last, were kept constantly in use during the driest seasons. The banks of this pond are well calculated to raise its waters at a very small expense. Cramberry Pond, is situated in Braintree, about four miles from the summit height in Howard's meadow, which is well calculated for a Reservoir, being surrounded with high land on every part, excepting one natural outlet at the northerly end, of fifty feet in breadth, across which there is the remains of an ancient mill dam, which might be easily rebuilt, and raised eight or ten feet; its surface is 160 feet 9 inches 6-10ths higher than the tide water, making it 27 feet 11 inches 2-10ths above the summit height; there is also a stream which empties itself rapidly into this pond at the southerly end. The communication of Weymouth Great Pond, with the summit height, must unavoidably pass by the outlet of Cramberry Pond, by which it can be connected, or not, as occasion may require. This communication will intersect several small streams which would serve as auxiliaries to supply any loss of water in its passing from the Ponds to the summit level. There are also several streams at the west of the summit, which, if requisite, might easily be led as feeders for the Canal at the upper level; the most noted of them are, one from the Bear Swamp, the other from Curtis's Pool. Of the Ponds adjacent, there are two in Braintree, one called the Great, the other the Little Pond. The Great Pond is situated about five miles from the summit

height, and is 109 feet 5 inches 2-10ths above tide water; this can be conveyed to the third level if needed, on the northerly part of the Canal. The largest pond on this route is situated partly in Bridgewater, and partly in Raynham, called Nippimicket Pond, is reputed to contain about 1000 acres; its surface is 49 feet 1 inch 4-10ths above the tide water. This Pond alone is sufficient to supply the whole of the Canal below its level on the southerly part of it, till it meets Taunton river at William's Landing; from whence the river is navigable to Narraganset Bay, and Long-Island Sound. We passed also (on this route) by Furnace and Forge Ponds, which could easily be conveyed to the Canal, if an additional supply is wanted in the lower levels.

We observed throughout this survey, that the streams generally inclined towards the east, and the land appearing more favorable for a Canal, induced us to survey a more eastern route, commencing at Weymouth Back Landing, and passing through the towns described in our commission, as far as Titicut Bridge, which is over the principal branch of Taunton river, the distance about 23½ miles, noting in the same manner the course, distance, and level of each station, as in our former route, both of which are described on the Plan. The summit height on this route is at Curtis's Meadow, where, as on the other route, the water divides itself, and takes different directions, one part running southerly towards Taunton river, the other northerly to Weymouth river; its height 131 feet 10 inches, above tide water. The Weymouth Great Pond can be led to this summit with much less expense, than to the summit of the former route, the distance is about 3½ miles, and is 15 feet 7 inches 4-10ths lower than the Pond. Cramberry Pond can also be led into it, if more water is needed. The first Pond we pass on this route, is Whitman's Pond, in Weymouth, about three quarters of a mile from Back River Landing, and is 54 feet 10 inches 9-10ths above tide water, and can be conducted to the 5th level. This Pond is sufficient to supply all the Locks below its level on the north part of the Canal. The next pond is called Burri'll's Mill Pond, which is 90 feet 2 inches 5-10ths above tide water; this will serve for a Reservoir for the third level. On the north part of the Canal, in Abington, we pass by Nash's Mill Pond, which is 82 feet 5 inches 7-10ths above tide water, which will furnish water for the fourth level; this route can be fed with many small streams which we intersect, as also some small rivers. After crossing John's river in Bridge water, which leads into Taunton river in a very circuitous route, and bordered with swamps, we avoided following the course of the river, and crossing over the high lands, we intersect the same water at Titicut Bridge, where we finish this survey.

In both those route more favorable ground for a Canal might be selected, than is represented on the Plan. Such a correct survey would require much time and consequently create great expense. Your Committee, considering that the information of the practicability of such an object was all that the Honorable Court required of them. From the quantity of water which is above the summit height, we readily formed an opinion that a Canal might be made to connect Taunton great river with the harbor of Boston. The calculation of the size and draught of water, we agreed to defer until the survey was completed, but by the dispensation of Providence in the death of Colonel Baldwin, your Committee, as well as the public, are deprived of the talents and abilities he possessed in this particular branch of his profession; we should have discontinued our survey, and made a particular Report of the progress made at the time of his decease. But considering that through the whole course of our survey, there were but few instances of a difference in opinion, and those not so material as to affect the principle.

As Canals wholly depend on an ample supply of water at their summit height, to enable us to form a more correct judgment, we took an accurate survey of the Weymouth Great Pond, from which we make the following calculation.

1st. That the surface of the Pond contains 507 acres and 16 rods, equal to 22,089,276 cubic feet.

By raising the waters of the Pond 3 feet will give the command of five feet depth, making 110,446,380 cubic feet.

Admitting a canal to be built, sufficient to receive a vessel from 75 to 100 tons burthen, drawing 8 feet of water, such as the coasting vessels which trade between Boston and New York—those employed in the Southern trade draw less water, being of the same burthen—the Locks in this case must be in length, 80 feet, breadth 22, depth 10—making for each Lock, 17,600 cubic feet.

At this upper level there will be a loss of 2 Locks of water for each vessel—35,200 cubic feet.

Supposing 12 passages each day—422,400 cubic feet.

For 8 months, or 244 days, is cubic feet,

Leaving for waste by leakage, evaporation, &c.

103,065,600

7,380,780

110,446,380

Exclusive of Cramberry Pond, which at five feet deep affords

6,534,000

With the above surplus,

7,380,780

Which allows one eighth part for loss.

13,914,780

Without considering the flow from springs, inlets, and rains, this Pond is 13 feet 4 inches 2-10 higher than Weymouth Pond.

The upper level on either rout may be reduced ten feet for one mile in length, in which the water will accumulate sufficient to supply any loss by exhalation, and not being so exposed to leakage, will at the same time be a saving of two Locks.

2d. The second level from the summit height, must receive its whole supply from the same source with the upper level, excepting some small streams it intersects, which may be used as feeders for this level.

3d. The third level, on the northerly part of the Canal, can receive aid from the Braintree Great Pond, which lies about 8 feet higher than this level; its surface is equal to Weymouth Pond, and empties itself into Fore River; it will furnish water for all the Locks below this level.

4th. The seven upper Locks on the southerly part of the Canal must also receive their principal supply from the same source with the upper level. There are several streams at short distance from this part of the Canal, from which could be formed Reservoirs to supply any deficiency.

5th. The eighth level passes by the side of Nippinitick Pond, which is the largest Pond on either route, and will afford all the water necessary for the Canal till it meets the tide water on Taunton Great River.

6th. On the Eastern route, the highest ground is at Curtis's Meadow, in Abington, which can receive its water from the same source as the other route, with much more ease, as before stated. The seven upper levels on the northerly part of this Canal, must also receive its supply of water from Weymouth Great Pond.

7th. The eighth level passes by Whitman's Pond, which is before described, empties itself in Weymouth Back River, and contains water sufficient for all the Locks below it.

8th. The southerly part of this Canal, in addition to the water from the upper level, can receive a full supply from Blanchard's, Nash's, Bicknell, Hobart's and the Furnace Ponds, till it meets the main branch of Taunton River, at Titicut's Bridge, from whence to Taunton Landing, the distance of seven miles, the river navigation would be preferable, to continuing the Canal, if the bed of the river be lowered in some places.

The locks and levels described on the Plan, are of the equal height of ten feet each; the different situations and number of locks cannot be ascertained with certainty, until the Canal is properly located. The survey was taken with the spirit level, without any deduction for the curvature of the earth.

There are many other large Ponds between the harbor of Boston and Taunton river, not being within the limits of the Resolve, were not included in the survey. On the west, in the towns of Canton, Stoughton, Sharon, Norton, &c. which perhaps might be connected with Neponset (or Milton) river; and on the east, in Middleborough, Pembroke, Halifax, &c. which probably might better connect Taunton river, with the North river, in Scituate harbor.

Many great advantages will be received by the towns, through which this Canal passes by a water communication, for the great quantity of timber, plank, &c. for ship building, with which this part of the county abounds: The number of iron works will be accommodated, by an easy conveyance of the heavy articles of their different manufactories of their furnaces, forges, and slitting mills, while the great object of facilitating the trade between this and the Southern States, is accomplished, by avoiding the great delay and danger in passing round Cape Cod, which causes the loss of many lives, as well as property annually, added to the superior advantages of an inland communication by water between the capitals of New York and Massachusetts, in a time of war.

Which is humbly submitted, by

WILLIAM TAYLOR, }
ELIPHALET LOUD, } *Committee.*

Boston, February 1, 1808.

[See Page 208.]

COMMONWEALTH OF MASSACHUSETTS.

GENERAL ORDERS.

Head Quarters at Boston, 9th March, 1808.

THE Commander in Chief having taken the advice of the Council respecting the definitive arrangement of the eleventh division of the Militia, thereupon Orders, that the Regiment in the

County of Cumberland, at present commanded by Lieutenant Colonel Charles Thomas, together with the company of artillery in Brunswick, be annexed to, and constitute a part of the eleventh division of the Militia; and that the several regiments of infantry in the said eleventh division be formed into two Brigades, as follows, viz.—

FIRST BRIGADE.

First Regiment commanded by Lieut. Col. Denny McCobb. Second Regiment commanded by Lieut. Col. Charles Thomas. Third Regiment commanded by Lieutenant Colonel James Rogers.

SECOND BRIGADE.

First Regiment commanded by Lieut. Col. David Payson. Second Regiment commanded by Lieut. Col. Daniel Waters. Third Regiment commanded by Lieut. Col. Samuel Thacher.

And that the Cavalry and Artillery respectively form Corps within each Brigade.

By order of the Commander in Chief.

WILLIAM DONNISON, *Adj. General.*

MICAJAH COFFIN'S AFFIDAVIT,

Read in the House while the resolve on his petition was under consideration.

[See page 242.]

Micajah Coffin of Nantucket, in the county of Nantucket, maketh affirmation—that on the fifth day of June, in the year of our Lord one thousand eight hundred and five, he was in the House of Representatives, as a member thereof; he left his seat and went over to the other side of the House on the left hand of the Speaker's chair, in order to deliver some votes to the members for a Notary Public, for the county of Nantucket; the said House being then in Session and about electing Notaries Public for that county. While so banding the votes he asked Benjamin Russel, who was likewise a member of the House, and then in his seat, *who it was that had applied to him to make the motion that day for an additional Notary Public for the county of Nantucket?* Said Benjamin said he supposed it was one of the affiants relations, and pointed to William Coffin, and said *that* was the man; and the said Micajah said, *what, that culprit!* the said Benjamin said he did not understand him; the said Micajah said, *did thee never hear of the affair of the Nantucket Bank?* Said Benjamin then said he thought said William had been acquitted by a jury of his country: Said Micajah then asked this question, *does that make him the less guilty?* here the conversation ended. This conversation took place when this House and the hon. Senate were assembled in this chamber in order to choose by joint ballot Notaries Public for the several counties, and before the votes were called for the county of Nantucket: and at that time the said Micajah did not know but that the said William was a candidate; and had good reason to suppose him to be one, as he had gotten said Benjamin to bring forward the Resolve aforesaid. These words spoken as aforesaid is the only cause for the action of defamation mentioned in said Micajah Coffin's petition to this House; and this affiant further saith that on the twenty fourth day of December now last past when the hon. Isaac Parker, Esq. one of the justices of the Supreme Court, summed up the law and the fact to the jury in this case, he told them that the said Micajah having spoken the above recited words out of his own seat to said Benjamin in his seat, while the House was in session may be considered the same as if spoken out of the House, or any where else as this affiant understood him, and further this affiant saith not.

MICAJAH COFFIN.

Suffolk ss. Boston, Feb. 22, 1808. Then Micajah Coffin (being one of the denomination of christians called Quakers,) solemnly affirmed, that the above declaration by him subscribed, is true.

Before me,

ROBERT GARDNER, *Just. Peace.*

... ..

APPENDIX

... ..

INDEX

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

INDEX,

OF THE PRINCIPAL PUBLIC MATTERS IN THIS JOURNAL.

A

	Page.		Page.
AROOSTOOK River,	6, 101	Attendance and Travel,	125, 139
Attachments, Registry of	20, 24, 51, 53	Absence (leave for)	141
Answer,	28, 31, 32	Austin Benjamin,	165, 248, 250, 259
Arrests,	49, 69	Accounts,	213, 284
Amoskeag Lottery,	53	Atheneum,	266
Annuity,	60, 76, 103, 130, 210	Adjournment, Final,	299, 300

B

British Depredation,	16, 233	Bettering Act (so called)	177, 179, 198, 206,
Brigade Inspectors,	23, 110, 264		207, 220
Bills all public, to be printed,	40	Bates and Bemis,	179
Badger Thomas, Lt. Col.	54	Belknap Samuel,	187
Boston Sailors' Names,	56	Bixby Jonathan,	200
Bank Returns,	69	Battery Pasture,	280
— Abstracts,	126	Bank Charters,	282
Beverly Bill,	74, 80, 106	Boston Regiment,	286
Brighton and W. Cambridge Tax,	75	Bank Penobscot and Berkshire,	297
Bridge Report,	145, 147, 212	Boston and Berkshire Glass manufactory,	292
Boston Board of Health,	156		

C

Constitution National,	16, 177	Conditional Pardons,	80, 288
Chapin Oliver,	18, 187, 210, 224	Clap Jason,	85
Conant Andrew,	22	Coffin Micajah,	135, 227, 242
Committees in Recess,	36	County Treasurers,	152
Cragie's Canal Bridge,	48, 100, 140, 176, 198	Cavalry,	158, 163
	199, 211, 214, 218	Conant Andrew,	188
Conferences,	34, 49, 96, 98, 100	Cooms Michael,	189, 201, 279, 285, 296
Copeland Moses,	23, 37, 61, 80, 81, 167, 271	Coates John,	152
Crooker Turner, and Officers,	48	County Treasuries,	243, 282, 287, 295
Colony Laws,	54, 179, 190, 256	Chaplain,	293
Chapman Abner, petition & Bill,	66, 74, 80, 106	Cannon mounted,	

D

Dench Gilbert,	15	Davis Joshua,	129
Draft of 11075 Militia,	19	Delinquent Towns,	157
Donnison Adj. Gen.	24, 76, 130, 192	Dearborn B. and others, inventors,	164
Distressed Seamen,	32	Ducktrap Bridge,	265, 215
Deeds in Holton,	52, 97, 131	Dummer, Lord, and Goodwin,	178
Dix Timothy, jr.	66, 79, 96, 97	Dorchester Heights,	270
Distribution of Laws, &c.	71		

E

	Page.		Page.
Eaton (Gen.) his Resolutions,	8, 26, 33, 34, 39	Eleventh Division of Militia,	168, 207, 208,
Emmons H.	38, 53		212, 215
Eastern Lands,	157	Equity Powers in certain cases,	187, 251
Election Sermon,	165, 167	Education,	195
to be paid for,	205		

F

Fortification,	18, 33	Fort in York County,	212
Flying Artillery,	33, 39	Fish,	222
Freeman John,	130	Fee Bill,	222, 223

G

Governor's Speech,	9	General Sessions,	158
Gun Powder,	17, 45	Governor's Message, on Cavalry,	158
Grenadiers,	37, 190	Governor's Message, on Governor's Island,	184
Gray Robert,	34	Glass Manufactory,	196
Gospel, Propagation of	69	Gardner Robert and others,	267, 279
Goodwin, F. L. B. Esq. 70, 86, 266, 271, 294		Governor's objections,	276
Gardner Thomas,	99	Glass Manufactory,	292
Gardner, Harris, and Stetson,	143	Gale W. A.	295
Governor's Message, against a Recess until,	153		

H

Houlton Joseph,	14, 40, 131	Harvard College,	163
Hancock Courts,	51, &c.	Hatch Chesley,	182
Hop Inspection,	78, 110, 201	Hutchinson Elisha,	185, 194, 237
Highway Bill,	148	Hospital Island,	224
Hallowell—Hansfield, &c.	150	Hammond C.	245
Hatfield Bridge,	150		

I J

Journal,	15, 34	Justices' Jurisdiction,	176, 217, 234, 286
Johnson Henry,	22, 270, 272, 288	Infantry, three volunteer companies,	226
Impeachment,	23, 37, 61, 80, 81, 189	Jackson Daniel,	237, 244
Judiciary,	41, 76, 79, 104, 107, 195	Indians,	258
Justices of the Peace,	103	Judiciary Bill,	257, 267, 273, 278, 284,
Justices' Blanks,	107, 146		286, 290, 294, 297
Insolvents,	174		

K

Kennebec Disturbances,	118	Kuhn Jacob,	293
King, Hon. Wm. Major Gen.	207, 212, 215		

L

Legionary Brigade,	48, 54, 286	Lincoln Benjamin,	93
Laws of three last Sessions,	41, 54	Land Office,	103, 155, 177
Laws, three volumes,	107, 121	Light Infantry Companies, to be	
Life Boats,	49	holden in readiness,	143
Licensed Houses,	56, 70, 198, 215	Little, Col.	280, 292
Land Office,	61, 175, 198	Lucas John,	296
Lincoln Theodore,	78	List of Acts,	300

M

	Page.		Page.
Messenger,	6, 8, 293	Ministerial Lands,	155, 195, 253
Militia Laws,	16	M ^r Farland Walter, Esq.	178
Messenger to hand bills,	69	Militia,	226
Morse Abner, Petition,	72	Medical Society,	258
Milton Wharf,	147	Military Scites,	299

N

Non attendance,	77	No more new Petitions,	162
Names,	107, 298	NEW EMISSION MONEY,	296

O

O'Neil Mary,	199, 203, 249	Old Soldiers,	296
--------------	---------------	---------------	-----

P

Pay of Members,	7, 15, 23	Privilege,	135, 227, 242
Pollock's Stoves,	6, 8	Public Business and Recess,	143, 238
Prisoners, relief of	14, 205	Pay after twenty days,	156
Pickled Fish,	20, 38, 61, 97, 98	Public Debt,	198
Pay Roll,	23, 298	Probate Judges, &c.	255
Province Laws,	40	Penobscot Indians' Agency,	229, 293
Public Worship,	51, 62, 111	Portland Fort,	231
Parsons Eben.	53, 174	Plans, Maps, &c.	233
Prisons,	68	Paine R. T.	236, 238
Pardons, conditional	80, 217, 220, 275, 288	Pomroy (Joseph) James	252, 258, 295
Poor Ebenezer, jun.	106, 108, 151		

Q

Quorum formed and notified to the Gov.	4	Quadrant Hammond's,	231
Quarter Master General,	68, 148		

R

Railing of Bridges and Causeways,	6, 45, 63	Ruggles Joseph Inspector,	109, 241, 250, 295
Registry of Attachments,	20	Recess and Public Business,	143
Replevin,	32	Rifle Company,	188
Roads,	56	Returns for Governor,	257, 281
Resolutions of Mr. Ripley,	63, 71, 81, 87, 91		

S

State Tax,	6, 69, 209, 219, 237, 270	Salaries,	147, 148, 209
Sessions Court of,	17	Sessions Bill,	149
State's Stock,	24, 247, 254	Speaker pro tem.	151, 165
Session one a Day,	27	Standing Rule,	167
State Bank,	38, 71, 107, 113, 118, 119, 126,	State Prison,	168
	132, 133	Settlers,	179, 197, 210
Storing of Gun Powder,	45	State Prison Accounts,	218
Smoked Fish,	45, 55	Small Arms,	225
Sermon Election,	50, 165, 167	School Districts,	230
Sedgwick Theodore,	59	State Notes,	251
Slocum Mr. his Motion,	125, 127	Squantum Causeway,	264
Surplus Laws,	107, 121, 181, 235	Soldiers,	296

T

	Page.		Page.
Turner's Road in Maine,	19, 60	Turnpike Bill,	148
Tedder Captain,	20, 33	Treasury Statement,	171
Treasurer's Accounts,	45, 50, 285, 299	Twelve pound Cannon,	245
Tyng's Reports,	47, 49, 246	Towns and Plantations' Returns,	258
Tactics,	116	Turnpike General Powers,	267
Travel and Attendance,	125	Thanks to the Speaker,	299

U

Unfinished Business,	13	Usurers and Banks,	163
----------------------	----	--------------------	-----

V

Vermont Resolutions,	177, 214, 220, 227, 239	Volunteers (12 whole Companies)	226
Vaughan Charles,	178, 200, 217	Virginia Resolutions,	274

W

Waite John	14, 202, 204, 242, 243, 245	Wilkins Daniel,	162, 176
Watts Olive R.	40, 50, 98, 106, 113, 121	Williamson Hugh,	192, 250
Wait Nahum and A. Davis,	69, 180, 202, 211	Willington Jeduthun,	266, 272
Washington County Deeds,	231, 156, 255, 257, 286	Ward Joseph,	296

COMMONWEALTH OF MASSACHUSETTS.

In the HOUSE of REPRESENTATIVES, January 14, 1808.

Resolved, That the Clerk of this House cause the Journal of the last session to be printed for the use of the Members : and as soon as may be after the present session, he cause the Journal of the present session to be printed for the use of the Members.

That six hundred copies of said Journals be so printed, with paper and type of the size, as near as may be, of the Laws printed by order of the Legislature.

Read and passed,

PEREZ MORTON, *Speaker.*

I have fulfilled the duty herein assigned me with all the accuracy and dispatch in my power.

C. P. SUMNER, *Clerk.*

13th May, 1808.

